

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

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CARMELITA REEDER SHINN

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☐ Pro Se ☐ Retained ☒ Court Appointed ☐ USA  
(IFP Granted)

Case No: CIV-14-665-F

Date Filed: 1/14/2022

Style of Case: Glossip et al v. Chandler et al

Appellant: Donald Anthony Grant, Gilbert Ray Postelle

☒ Notice of Appeal ☐ Amended Notice of Appeal  
☐ Interlocutory Appeal ☐ Cross Appeal  
☐ Tenth Cir. Case No.

Pro se Appellant:

☐ Motion IFP Forms Mailed/Given ☐ Motion IFP Filed ☐ Appeal Fee Paid

Retained Counsel:

☐ Appeal Fee Paid ☒ Appeal Fee Not Paid

The Preliminary Record on Appeal is hereby transmitted to the Tenth Circuit Court of Appeals. Please refer to the forms and procedures concerning the requirements for ordering transcripts, preparing docketing statements and briefs, and designations of the record found on the Tenth Circuit's website, [www.ca10.uscourts.gov](http://www.ca10.uscourts.gov).

Payment for this case or motion to proceed *in forma pauperis* will be made to this District Court.

The transcript order form must be filed in the District Court as well as the Court of Appeals within 14 working days after the notice of appeal was filed in the Circuit Court. This form must contain the signature of the court reporter if transcripts are being ordered.

If you have questions, please contact this office.

Sincerely,

CARMELITA REEDER SHINN, COURT CLERK

by: s/ D Beasley  
Case Administrator

cc: Clerk of the Court, Tenth Circuit Court of Appeals

[All counsel of record](#)

APPEAL,ERWIN,PRISONER,REOPEN,\_LH

Email All Attys

Email All Attys and Secondary Emails

**U.S. District Court**  
**Western District of Oklahoma[LIVE] (Oklahoma City)**  
**CIVIL DOCKET FOR CASE #: 5:14-cv-00665-F**

Glossip et al v. Chandler et al

Assigned to: Honorable Stephen P. Friot

Case in other court: Tenth Circuit Court of Appeals, 14-06244

Tenth Circuit, 19-06002

Tenth Circuit, 21-06101

Tenth Circuit, 21-06129

Tenth Circuit, 21-06139

Cause: 28:1331 Fed. Question

Date Filed: 06/25/2014

Jury Demand: None

Nature of Suit: 550 Prisoner: Civil Rights

Jurisdiction: Federal Question

**Plaintiff**

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*TERMINATED: 06/30/2021*  
*ATTORNEY TO BE NOTICED*

**Pilar R. Stillwater**  
(See above for address)  
*TERMINATED: 09/01/2021*  
*PRO HAC VICE*

**Susan M Otto**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Rhonda Kemp**  
*next friend for plaintiff Wade Lay*

represented by **James K Stronski**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Emma V Rolls**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent Walker**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Susan M Otto**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kevin J Gross**  
*Member of the Oklahoma Board of*  
*Corrections*  
*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**  
Attorney General's Ofc-NE  
21STREET-OKC  
313 NE 21st St  
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*TERMINATED: 03/09/2016*

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*TERMINATED: 03/03/2020*

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*TERMINATED: 02/04/2019*

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**Randall J Yates**

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*TERMINATED: 11/24/2021*

**Zachary P West**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael W Roach**  
*Member of the Oklahoma Board of  
Corrections*  
*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**  
(See above for address)  
*TERMINATED: 03/09/2016*

**Andy N Ferguson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Steve Burrage**  
*TERMINATED: 08/11/2015*

represented by **Aaron J Stewart**  
(See above for address)  
*TERMINATED: 03/09/2016*



**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Defendant**

**Gene Haynes**  
*Member of the Oklahoma Board of  
Corrections*  
*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**  
(See above for address)  
*TERMINATED: 03/09/2016*

**Andy N Ferguson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Frazier Henke**  
*Member of the Oklahoma Board of  
Corrections*  
*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**  
(See above for address)  
*TERMINATED: 03/09/2016*

**Andy N Ferguson**  
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*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Linda K Neal**  
*TERMINATED: 08/11/2015*

represented by **Aaron J Stewart**  
(See above for address)  
*TERMINATED: 03/09/2016*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Defendant**

**Earnest D Ware**  
*TERMINATED: 08/11/2015*

represented by **Aaron J Stewart**  
(See above for address)  
*TERMINATED: 03/09/2016*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Defendant**

**Robert C Patton**

Director of the Oklahoma Department of  
Corrections  
TERMINATED: 07/06/2020

represented by **Aaron J Stewart**

(See above for address)  
TERMINATED: 03/09/2016

**Andy N Ferguson**

(See above for address)  
ATTORNEY TO BE NOTICED

**Bryan G Cleveland**

(See above for address)  
ATTORNEY TO BE NOTICED

**Jeb E Joseph**

(See above for address)  
TERMINATED: 03/03/2020

**John D Hadden**

(See above for address)  
TERMINATED: 02/04/2019

**Lexie P Norwood**

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Email: [lexie.norwood@ou.edu](mailto:lexie.norwood@ou.edu)  
TERMINATED: 03/03/2020

**Mithun S Mansinghani**

(See above for address)  
ATTORNEY TO BE NOTICED

**Randall J Yates**

(See above for address)  
TERMINATED: 11/24/2021

**Richard Mann**

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405-297-2451  
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TERMINATED: 03/03/2020

**Zachary P West**

(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Anita K Trammell**  
Warden Oklahoma State Penitentiary  
TERMINATED: 07/06/2020

represented by **Aaron J Stewart**  
(See above for address)  
TERMINATED: 03/09/2016

**Andy N Ferguson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Bryan G Cleveland**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Jeb E Joseph**  
(See above for address)  
TERMINATED: 03/03/2020

**John D Hadden**  
(See above for address)  
TERMINATED: 02/04/2019

**Lexie P Norwood**  
(See above for address)  
TERMINATED: 03/03/2020

**Mithun S Mansinghani**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Randall J Yates**  
(See above for address)  
TERMINATED: 11/24/2021

**Richard Mann**  
(See above for address)  
TERMINATED: 03/03/2020

**Zachary P West**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Doctor X**  
TERMINATED: 10/31/2014

**Defendant**

**Executioner #1**  
TERMINATED: 10/31/2014

**Defendant**

**Executioner #2**

*TERMINATED: 10/31/2014*

**Defendant**

**Executioner #3**

*TERMINATED: 10/31/2014*

**Defendant**

**Paramedic Y**

*TERMINATED: 10/31/2014*

**Defendant**

**Edward Evans**

*Associate Director of Field Operations*

*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**

(See above for address)

*TERMINATED: 03/09/2016*

**Andy N Ferguson**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**

(See above for address)

*TERMINATED: 03/03/2020*

**John D Hadden**

(See above for address)

*TERMINATED: 02/04/2019*

**Lexie P Norwood**

(See above for address)

*TERMINATED: 03/03/2020*

**Mithun S Mansinghani**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)

*TERMINATED: 11/24/2021*

**Richard Mann**

(See above for address)

*TERMINATED: 03/03/2020*

**Zachary P West**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**H-unit Section Chief X**

*TERMINATED: 08/11/2015*

**Defendant**

**John Doe Executioners #1-10**

*TERMINATED: 08/11/2015*

**Defendant**

**John T Holder**

*Member of the Oklahoma Board of  
Corrections*

*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**

*(See above for address)*

*TERMINATED: 03/09/2016*

**Andy N Ferguson**

*(See above for address)*

*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

*(See above for address)*

*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**

*(See above for address)*

*TERMINATED: 03/03/2020*

**John D Hadden**

*(See above for address)*

*TERMINATED: 02/04/2019*

**Lexie P Norwood**

*(See above for address)*

*TERMINATED: 03/03/2020*

**Mithun S Mansinghani**

*(See above for address)*

*ATTORNEY TO BE NOTICED*

**Randall J Yates**

*(See above for address)*

*TERMINATED: 11/24/2021*

**Richard Mann**

*(See above for address)*

*TERMINATED: 03/03/2020*

**Zachary P West**

*(See above for address)*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Irma J Newburn**

*Member of the Oklahoma Board of  
Corrections  
TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**

(See above for address)  
*TERMINATED: 03/09/2016*

**Andy N Ferguson**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**

(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**

(See above for address)  
*TERMINATED: 02/04/2019*

**Lexie P Norwood**

(See above for address)  
*TERMINATED: 03/03/2020*

**Mithun S Mansinghani**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)  
*TERMINATED: 11/24/2021*

**Richard Mann**

(See above for address)  
*TERMINATED: 03/03/2020*

**Zachary P West**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James M Tilly**

*Member of the Oklahoma Board of  
Corrections  
TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**

(See above for address)  
*TERMINATED: 03/09/2016*

**Andy N Ferguson**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Lexie P Norwood**  
(See above for address)  
*TERMINATED: 03/03/2020*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Richard Mann**  
(See above for address)  
*TERMINATED: 03/03/2020*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**David Parker**  
*Division Manager of East Institutions*  
*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**  
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*TERMINATED: 03/09/2016*

**Andy N Ferguson**  
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*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Lexie P Norwood**  
(See above for address)



*TERMINATED: 03/03/2020*

**Mithun S Mansinghani**  
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*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Richard Mann**  
(See above for address)  
*TERMINATED: 03/03/2020*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Greg Williams**  
*Division Manager of West Institutions*  
*TERMINATED: 07/06/2020*

represented by **Aaron J Stewart**  
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*TERMINATED: 03/09/2016*

**Andy N Ferguson**  
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*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
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**Jeb E Joseph**  
(See above for address)  
*TERMINATED: 03/03/2020*

**John D Hadden**  
(See above for address)  
*TERMINATED: 02/04/2019*

**Lexie P Norwood**  
(See above for address)  
*TERMINATED: 03/03/2020*

**Mithun S Mansinghani**  
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*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Richard Mann**

(See above for address)  
*TERMINATED: 03/03/2020*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**H–Unit Section Chief**  
*whose identity is unknown, in his official  
capacity as Employee, Contractor and/or  
Agent of the Oklahoma Department of  
Corrections*  
*TERMINATED: 07/06/2020*

**Defendant**

**IV Team Leader**  
*whose identities are unknown, in their  
official capacities as Employees,  
Contractors, and/or Agents of the  
Oklahoma Department of Corrections*  
*TERMINATED: 07/06/2020*

**Defendant**

**Special Operations Team Leader**  
*whose identities are unknown, in their  
official capacities as Employees,  
Contractors, and/or Agents of the  
Oklahoma Department of Corrections*  
*TERMINATED: 07/06/2020*

**Defendant**

**IV Team Members #1–10**  
*whose identities are unknown, in their  
official capacities as Employees,  
Contractors, and/or Agents of the  
Oklahoma Department of Corrections*  
*TERMINATED: 07/06/2020*

**Defendant**

**Special Operations Team Members  
#1–10**  
*whose identities are unknown, in their  
official capacities as Employees,  
Contractors, and/or Agents of the  
Oklahoma Department of Corrections*  
*TERMINATED: 07/06/2020*

**Defendant**

**Scott Crow**

*Director, ODOC, in his official capacity*

represented by **Andy N Ferguson**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Zachary P West**

(See above for address)

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**Charles A Dickson , III**

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*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)

*TERMINATED: 11/24/2021*

**Defendant**

**Randy Chandler**

*Oklahoma Board of Correction, in his  
official capacity*

represented by **Andy N Ferguson**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Defendant**

**Betty Gesell**  
*Oklahoma Board of Correction, in her  
official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)

*TERMINATED: 11/24/2021*

**Defendant**

**Joseph Griffin**

*Oklahoma Board of Correction, in his  
official capacity*

represented by **Andy N Ferguson**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Zachary P West**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)

*TERMINATED: 11/24/2021*

**Defendant**

**F Lynn Haueter**

*Oklahoma Board of Correction, in his or  
her official capacity*

represented by **Andy N Ferguson**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Defendant**

**Kathryn A LaFortune**  
*Oklahoma Board of Correction, in her  
official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)

TERMINATED: 11/24/2021

**Defendant**

**Stephan Moore**

*Oklahoma Board of Correction, in his  
official capacity*

represented by **Andy N Ferguson**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Bryan G Cleveland**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Mithun S Mansinghani**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Zachary P West**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Charles A Dickson , III**

(See above for address)

ATTORNEY TO BE NOTICED

**Jennifer L Crabb**

(See above for address)

ATTORNEY TO BE NOTICED

**Randall J Yates**

(See above for address)

TERMINATED: 11/24/2021

**Defendant**

**Calvin Prince**

*Oklahoma Board of Correction, in his  
official capacity*

represented by **Andy N Ferguson**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Bryan G Cleveland**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Mithun S Mansinghani**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Defendant**

**T Hastings Siegfried**  
*Oklahoma Board of Corrections, in his  
official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Defendant**



**Daryl Woodard**

*Oklahoma Board of Correction, in his  
official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)  
*TERMINATED: 11/24/2021*

**Defendant**

**Tommy Sharp**

*Warden, OSP, in his official capacity*  
*TERMINATED: 10/05/2021*

represented by **Andy N Ferguson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Defendant**

**Aboutanaa El Habti**  
*Warden, Mabel Bassett Correctional  
Center, in her official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Justin Farris**  
*Acting Chief of Staff, ODOC, in his  
official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael Carpenter**  
*Chief of Field Operations, ODOC, in his  
official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Justin Giudice**  
*Employee Assistance Program  
Coordinator, ODOC, in his official  
capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jennifer L Crabb**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Randall J Yates**  
(See above for address)  
*TERMINATED: 11/24/2021*

**Zachary P West**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Does I–X**  
*ODOC, in their official capacities*

**Defendant**

**Jim Farris**  
*Warden, OSP, in his official capacity*

represented by **Andy N Ferguson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Bryan G Cleveland**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles A Dickson , III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mithun S Mansinghani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zachary P West**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Randall J Yates**

(See above for address)

*TERMINATED: 11/24/2021*

**Movant**

**Ziva Branstetter**

represented by **Robert D Nelon**

Hall Estill-OKC

100 N Broadway Ave

Suite 2900

Oklahoma City, OK 73102

405-553-2828

Fax: 405-232-8004

Email: [bnelon@hallestill.com](mailto:bnelon@hallestill.com)

*ATTORNEY TO BE NOTICED*

Date Filed	#	Page	Docket Text
06/25/2014	<u>1</u>		COMPLAINT against All Defendants filed by All Plaintiffs. (Attachments: # <u>1</u> Attachment 1 – List of Plaintiffs, # <u>2</u> Attachment 2 – List of Plaintiffs Attorneys, # <u>3</u> Exhibit 3 – List of Defendants, # <u>4</u> Civil Cover Sheet)(cpp) (Entered: 06/25/2014)
06/25/2014	<u>2</u>		Summons Issued Electronically as to Kevin J Gross. (cpp) (Entered: 06/25/2014)
06/25/2014	<u>3</u>		Summons Issued Electronically as to Michael W Roach. (cpp) (Entered: 06/25/2014)
06/25/2014	<u>4</u>		Summons Issued Electronically as to Steve Burrage. (cpp) (Main Document 4 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>5</u>		Summons Issued Electronically as to Gene Haynes. (cpp) (Main Document 5 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>6</u>		Summons Issued Electronically as to Frazier Henke. (cpp) (Main Document 6 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>7</u>		Summons Issued Electronically as to Linda K Neal. (cpp) (Main Document 7 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>8</u>		Summons Issued Electronically as to Earnest D Ware. (cpp) (Main Document 8 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>9</u>		Summons Issued Electronically as to Robert C Patton. (cpp) (Main Document 9 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>10</u>		Summons Issued Electronically as to Anita K Trammell. (cpp) (Main Document 10 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>11</u>		Summons Issued Electronically as to Doctor X. (cpp) (Main Document 11 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>12</u>		

		Summons Issued Electronically as to Paramedic Y. (cpp) (Main Document 12 replaced on 6/25/2014) (cpp). (Entered: 06/25/2014)
06/25/2014	<u>13</u>	ENTRY of Appearance by David B Autry on behalf of Phillip D Hancock (Autry, David) (Entered: 06/25/2014)
06/25/2014	<u>14</u>	Summons Issued Electronically as to Executioner #1. (cpp) (Entered: 06/25/2014)
06/25/2014	<u>15</u>	Summons Issued Electronically as to Executioner #2. (cpp) (Entered: 06/25/2014)
06/25/2014	<u>16</u>	Summons Issued Electronically as to Executioner #3. (cpp) (Entered: 06/25/2014)
06/25/2014	<u>17</u>	ENTRY of Appearance by Patti P Ghezzi on behalf of Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, John M Grant, Wendell A Grissom, Marlon D Harmon, Raymond E Johnson, Emmanuel A Littlejohn, James D Pavatt, Kendrick A Simpson, Kevin R Underwood (Ghezzi, Patti) (Entered: 06/25/2014)
06/25/2014	<u>18</u>	ENTRY of Appearance by Randy A Bauman on behalf of Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, John M Grant, Wendell A Grissom, Marlon D Harmon, Raymond E Johnson, Emmanuel A Littlejohn, James D Pavatt, Kendrick A Simpson, Kevin R Underwood (Bauman, Randy) (Entered: 06/25/2014)
06/25/2014	<u>19</u>	ENTRY of Appearance by Gary S Peterson on behalf of Charles F Warner (Peterson, Gary) (Entered: 06/25/2014)
06/26/2014	<u>20</u>	ENTRY of Appearance by Fred L Staggs on behalf of Alfred B Mitchell (Staggs, Fred) (Entered: 06/26/2014)
06/26/2014	<u>21</u>	ENTRY of Appearance by Dale A Baich on behalf of Tremane Wood (Baich, Dale) (Entered: 06/26/2014)
06/26/2014	<u>22</u>	ENTRY of Appearance by Kelly L Schneider on behalf of Tremane Wood (Schneider, Kelly) (Entered: 06/26/2014)
06/26/2014	<u>23</u>	ENTRY of Appearance by Robin C Konrad on behalf of Tremane Wood (Konrad, Robin) (Entered: 06/26/2014)
06/26/2014	<u>24</u>	Receipt for Money Received from Dale M Baich on behalf of Tremane Wood in the amount of \$400.00, receipt number OKW500040501 regarding <u>1</u> Complaint. (cpp) (Entered: 06/26/2014)
06/26/2014	<u>25</u>	ENTRY of Appearance by David B Autry on behalf of James A Coddington (Autry, David) (Entered: 06/26/2014)
06/27/2014	<u>26</u>	SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Kevin J Gross served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)

06/27/2014	<u>27</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Michael W Roach served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/27/2014	<u>28</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Steve Burrage served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/27/2014	<u>29</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Gene Haynes served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/27/2014	<u>30</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Frazier Henke served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/27/2014	<u>31</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Linda K Neal served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/27/2014	<u>32</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Earnest D Ware served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/27/2014	<u>33</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Robert



			C Patton served on 6/25/2014. (Ghezzi, Patti) (Entered: 06/27/2014)
06/30/2014	<u>34</u>		ENTRY of Appearance by Mark L Henricksen on behalf of Richard E Glossip (Henricksen, Mark) (Entered: 06/30/2014)
06/30/2014	<u>35</u>		ENTRY of Appearance by Mark L Henricksen on behalf of Brenda E Andrew (Henricksen, Mark) (Entered: 06/30/2014)
06/30/2014	<u>36</u>		ENTRY of Appearance by Mark L Henricksen on behalf of Shelton D Jackson (Henricksen, Mark) (Entered: 06/30/2014)
06/30/2014	<u>37</u>		ORDER REASSIGNING CASE. Case reassigned to Honorable Stephen P. Friot for all further proceedings. Honorable Robin J. Cauthron no longer assigned to case. Signed by deputy clerk on 6/30/14. (lg) (Entered: 06/30/2014)
07/16/2014	<u>38</u>		ENTRY of Appearance by Aaron J Stewart on behalf of Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware (Stewart, Aaron) (Entered: 07/16/2014)
07/16/2014	<u>39</u>		ENTRY of Appearance by John D Hadden on behalf of Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware (Hadden, John) (Entered: 07/16/2014)
07/16/2014	<u>40</u>		MOTION to Dismiss <i>and Brief in Support</i> by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Michael W Roach, Earnest D Ware. (Attachments: # <u>1</u> Exhibit Executive Order 2014-11, # <u>2</u> Exhibit Executive Order 2014-10, # <u>3</u> Exhibit Death Row Report, # <u>4</u> Exhibit OSP-040401-01, # <u>5</u> Attachment Benevides v City of OKC (unpublished case), # <u>6</u> Attachment Lockett v Evans (unpublished case))(Hadden, John) (Entered: 07/16/2014)
07/16/2014	<u>41</u>		ANSWER to Complaint by Robert C Patton, Anita K Trammell.(Hadden, John) (Entered: 07/16/2014)
07/16/2014	<u>42</u>		MOTION to Stay Case <i>and Brief in Support</i> by Robert C Patton, Anita K Trammell. (Attachments: # <u>1</u> Exhibit Death Row Report, # <u>2</u> Exhibit Executive Order 2014-11, # <u>3</u> Exhibit Executive Order 2014-10)(Hadden, John) (Entered: 07/16/2014)
07/25/2014	<u>43</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Charles F Warner, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Anita K Trammell served on 6/26/2014. (Ghezzi, Patti) (Entered: 07/25/2014)
08/05/2014	<u>44</u>		ENTRY of Appearance by Lanita Henricksen on behalf of Phillip D Hancock (Henricksen, Lanita) (Entered: 08/05/2014)
08/06/2014	<u>45</u>		RESPONSE to Motion re <u>42</u> MOTION to Stay Case <i>and Brief in Support</i> , <u>40</u> MOTION to Dismiss <i>and Brief in Support</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1) Board of Corrections Policy P-040100, # <u>2</u>



		Exhibit 2) Dept of Corr Operating Policy P-040301, # <u>3</u> Exhibit 3) OSP Policy OSP-040301, # <u>4</u> Exhibit 4) Addendum to OSP-040301, # <u>5</u> Exhibit 5) BOC Minutes 5-14-10, # <u>6</u> Exhibit 6) BOC Minutes 6-18-10, # <u>7</u> Exhibit 7) BOC Minutes 10-22-10, # <u>8</u> Exhibit 8) BOC Minutes 10-21-11, # <u>9</u> Exhibit 9) BOC Minutes 5-1-14, # <u>10</u> Exhibit 10) BOC Minutes 6-5-14, # <u>11</u> Exhibit 11) BOC Minutes 4-25-13, # <u>12</u> Exhibit 12) BOC Minutes 4-3-14)(Ghezzi, Patti) (Entered: 08/06/2014)
08/12/2014	<u>46</u>	ORDER Setting Hearing on <u>42</u> MOTION to Stay Case <i>and Brief in Support</i> : Motion Hearing set for 9/18/2014 09:00 AM in Courtroom 305 before Honorable Stephen P. Friot (as fully set out in this order). Signed by Honorable Stephen P. Friot on 8/12/14. (llg) (Entered: 08/12/2014)
08/13/2014	<u>47</u>	REPLY to Response to Motion re <u>40</u> MOTION to Dismiss <i>and Brief in Support</i> , <u>42</u> MOTION to Stay Case <i>and Brief in Support</i> filed by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 08/13/2014)
09/09/2014	<u>48</u>	ORDER. Ct notes that a report entitled "The Execution of Clayton Lockett," Case No. 14-0189SI, has been rendered by Okla DPS. To facilitate the ct's consideration of, among other things, the mtns that are now pndg in this action (& to facilitate any necessary consideration of the matter by a reviewing ct), dfts Patton & Trammell are DIRECTED to file a copy of that report in this action by 9/26/14. That filing shall be accompanied by a representation, by counsel for dfts, as to whether dfts Patton or Trammell believe that Part III of the report (pp. 8-25) contains any materially incorrect factual stmts. If there are any such stmts believed by dfts Patton or Trammell to be materially incorrect, dfts' filing shall itemize them, & may provide such addl explanation as those dfts shall consider to be appropriate or advisable. Signed by Honorable Stephen P. Friot on 9/9/14. (llg) (Entered: 09/09/2014)
09/16/2014	<u>49</u>	RESPONSE TO ORDER TO SHOW CAUSE filed by All Defendants. (Attachments: # <u>1</u> Exhibit DPS Report)(Hadden, John) (Entered: 09/16/2014)
09/18/2014	<u>50</u>	Minute Order. Proceedings held before Honorable Stephen P. Friot: Motion Hearing held on 9/18/2014. <u>42</u> MOTION to Stay Case <i>and Brief in Support</i> filed by Robert C Patton, Anita K Trammell is DENIED. (Court Reporter Jeanne Ring.) (llg) (Entered: 09/18/2014)
09/18/2014	<u>51</u>	ENTRY of Appearance by Jeb E Joseph on behalf of Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware (Joseph, Jeb) (Entered: 09/18/2014)
09/23/2014	<u>52</u>	SUBPOENA RETURNED EXECUTED as to Non-Party <i>Commissioner Michael Thompson, DPS</i> , filed by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood. (Ghezzi, Patti) (Entered: 09/23/2014)
09/23/2014	<u>53</u>	

			SUBPOENA RETURNED EXECUTED as to Non-Party <i>Eric Pfeifer, MD, Oklahoma Office of Chief Medical Examiner</i> , filed by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood. (Ghezzi, Patti) (Entered: 09/23/2014)
09/30/2014	<u>54</u>		ORDER denying <u>40</u> Defendants' Motion to Dismiss. Signed by Honorable Stephen P. Friot on 9/30/14. (llg) (Entered: 09/30/2014)
10/01/2014	<u>55</u>		NOTICE (other) by Oklahoma Department of Corrections (Attachments: # <u>1</u> Exhibit OP-040301 – Execution of Offenders Sentenced to Death)(Hadden, John) (Entered: 10/01/2014)
10/08/2014	<u>56</u>		ENTER ORDER. Status Conference set for 10/15/2014 01:30 PM in Chambers before Honorable Stephen P. Friot. Entered at the direction of Honorable Stephen P. Friot on 10/8/14. (llg) (Entered: 10/08/2014)
10/10/2014	<u>57</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on September 18, 2014 before Judge Stephen Friot. Court Reporter: B. Jeanne Ring, Telephone number (405) 820-2067/jeanne@mbo.net. Transcript of: Motion to Stay Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/31/2014. Redacted Transcript Deadline set for 11/10/2014. Release of Transcript Restriction set for 1/8/2015. (jr, ) (Entered: 10/10/2014)
10/10/2014	<u>58</u>		BRIEF IN SUPPORT re <u>56</u> Order, Set Hearings <i>Plaintiffs' Memorandum of Law</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1) Aff of Anita Trammell)(Ghezzi, Patti) (Entered: 10/10/2014)
10/10/2014	<u>59</u>		SECOND MOTION to Dismiss <i>and Brief in Support</i> by Steve Burrage, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 10/10/2014)
10/10/2014	<u>60</u>		ANSWER to Complaint by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware.(Hadden, John) (Entered: 10/10/2014)
10/10/2014	<u>61</u>		NOTICE (other) by State of Oklahoma (Attachments: # <u>1</u> Exhibit State's Notice Regarding Scheduled Execution Dates)(Hadden, John) (Entered: 10/10/2014)
10/10/2014	<u>62</u>		NOTICE (other) by State of Oklahoma (Attachments: # <u>1</u> Exhibit Application for Execution Date)(Hadden, John) (Entered: 10/10/2014)
10/14/2014	<u>63</u>		AMENDED ENTER ORDER. Status Conference RESET for 10/15/2014 01:00 PM in Chambers before Honorable Stephen P. Friot. Entered at the direction of Honorable Stephen P. Friot on 10/14/14. (llg) (Entered: 10/14/2014)
10/14/2014	<u>64</u>		MOTION for Protective Order <i>and Brief in Support</i> by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael

		W Roach, Anita K Trammell, Earnest D Ware. (Attachments: # <u>1</u> Exhibit OP-060212 – Maintenance & Access of Offender Records, # <u>2</u> Exhibit OP-140108 – Privacy of Protected Health Information, # <u>3</u> Exhibit Proposed Protective Order, # <u>4</u> Exhibit Apothocare Email, # <u>5</u> Exhibit Complaint in Taylor v. Apothocare Shoppe, # <u>6</u> Exhibit Woodlands Letter)(Stewart, Aaron) (Entered: 10/14/2014)
10/15/2014	<u>65</u>	MOTION for Contempt <i>and Other Relief</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Subpoena 9-23-14, # <u>2</u> Exhibit Letter to DPS 5-23-14, # <u>3</u> Exhibit Letter of Objection)(Ghezzi, Patti) (Entered: 10/15/2014)
10/15/2014	<u>66</u>	MOTION for Contempt <i>and Other Relief</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Subpoena 9-23-14, # <u>2</u> Exhibit Letter to OCME 5-23-14, # <u>3</u> Exhibit Letter of Objection 10-8-14, # <u>4</u> Exhibit Email 10-14-14)(Ghezzi, Patti) (Entered: 10/15/2014)
10/15/2014	<u>67</u>	Minute Entry for proceedings held before Honorable Stephen P. Friot: Status Conference held on 10/15/2014 (as fully set out on the minute sheet). (Court Reporter Tracy Washbourne.) (llg) (Entered: 10/15/2014)
10/21/2014	<u>68</u>	RESPONSE in Opposition re <u>64</u> MOTION for Protective Order <i>and Brief in Support</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Opinion, # <u>2</u> Exhibit Protective Order, # <u>3</u> Exhibit Protective Order)(Ghezzi, Patti) (Entered: 10/21/2014)
10/22/2014	<u>69</u>	ENTRY of Appearance by Tiffany J Wythe on behalf of Office of the Chief Medical Examiner, State of Oklahoma (Wythe, Tiffany) (Entered: 10/22/2014)
10/23/2014	<u>70</u>	MOTION for Leave to <i>File a Supplemental Brief in Support of Motion for Protective Order and Brief in Support</i> by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 10/23/2014)
10/24/2014	<u>71</u>	NOTICE (other) by Oklahoma State of (Attachments: # <u>1</u> Exhibit Orders Setting Executions)(Stewart, Aaron) (Entered: 10/24/2014)
10/27/2014	<u>72</u>	ORDER granting <u>70</u> Defendants Burrage, Gross, Haynes, Henke, Neal, Patton, Roach, Trammell and Ware's Request for Leave to File a Supplemental Brief in Support of Their <u>64</u> Motion for Protective Order. Supplemental brief, not to exceed 20 pgs, due 10/29/14. Plfs are permitted to respond to the supplemental brief by 11/5/14. Signed by Honorable Stephen P. Friot on 10/27/14. (llg) (Entered: 10/27/2014)
10/29/2014	<u>73</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/15/14 before Judge Friot. Court Reporter: Tracy Washbourne, Telephone number 405-609-5505. Transcript of: Status conference Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/19/2014. Redacted Transcript Deadline set for 12/1/2014. Release of Transcript Restriction set for 1/27/2015. (tw, ) (Entered: 10/29/2014)
10/29/2014	<u>74</u>	SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION for Protective Order <i>and Brief in Support</i> by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell,

			Earnest D Ware. (Attachments: # <u>1</u> Exhibit Plaintiffs' Requests for Production, # <u>2</u> Exhibit Plaintiffs 1st Set of Interrogatories to Defendant Trammell, # <u>3</u> Exhibit Death Row Statistics)(Hadden, John) Modified on 10/30/2014 (llg). (Entered: 10/29/2014)
10/30/2014			Docket Annotation: The docket text for doc. no. 74 has been corrected to reflect that the filing is a "Supplemental Brief in Support of Motion" as opposed to a "Supplemental Motion." (llg) (Entered: 10/30/2014)
10/31/2014	<u>75</u>		AMENDED COMPLAINT against All Defendants filed by All Plaintiffs.(Ghezzi, Patti) (Entered: 10/31/2014)
10/31/2014	<u>76</u>		RESPONSE to Motion re <u>59</u> SECOND MOTION to Dismiss <i>and Brief in Support</i> filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 10/31/2014)
11/03/2014	<u>77</u>		ORDER Setting Hearing on <u>64</u> Defendants' MOTION for Protective Order <i>and Brief in Support</i> , <u>65</u> Plaintiffs' MOTION for Contempt <i>and Other Relief</i> , <u>66</u> Plaintiffs' MOTION for Contempt <i>and Other Relief</i> : Motion Hearing set for 11/13/2014 01:30 PM in Courtroom 305 before Honorable Stephen P. Friot. Signed by Honorable Stephen P. Friot on 11/3/14. (llg) (Entered: 11/03/2014)
11/03/2014	<u>78</u>		ORDER striking as moot <u>59</u> Defendants' Second Motion to Dismiss, based on the filing of the Amended Complaint. Signed by Honorable Stephen P. Friot on 11/3/14. (llg) (Entered: 11/03/2014)
11/04/2014	<u>79</u>		PRELIMINARY SCHEDULING ORDER. Any mtn for preliminary injunction shall be filed by 11/10/14. A mtn for preliminary injunction filed after that date may be stricken. The mtn need not be supported by a brief, because the court will, if a mtn for preliminary injunction is timely filed, enter a scheduling order which will include a provision for the filing of trial briefs & proposed findings of fact & conclusions of law in advance of the hrg on the mtn for preliminary injunction. However, the mtn for preliminary injunction must state precisely & in detail the nature & scope of the preliminary injunctive relief sought. Signed by Honorable Stephen P. Friot on 11/4/14. (llg) (Entered: 11/04/2014)
11/04/2014	<u>80</u>		UNOPPOSED MOTION for Leave <i>/Unopposed Motion by Counsel for Plaintiff Tremane Wood to Appear Telephonically at Hearing on 11/13/14 at 1:30 p.m.</i> by Tremane Wood. (Attachments: # <u>1</u> Attachment Proposed Order)(Konrad, Robin) (Entered: 11/04/2014)
11/04/2014			NOTICE from the Court re <u>80</u> <i>Unopposed Motion by Counsel for Plaintiff Tremane Wood to Appear Telephonically at Hearing on 11/13/14 at 1:30 p.m..</i> Counsel for Tremane Wood is DIRECTED to submit the proposed order for said motion via email, in compliance with ECF Policies & Procedures Manual, Section II.G. (llg) (Entered: 11/04/2014)
11/05/2014	<u>81</u>		ENTRY of Appearance by Devan A Pederson on behalf of Office of the Chief Medical Examiner, State of Oklahoma, Eric Pfeifer, MD (Pederson, Devan) (Entered: 11/05/2014)
11/05/2014	<u>82</u>		RESPONSE in Opposition re <u>74</u> SUPPLEMENTAL MOTION for Protective Order <i>and Brief in Support</i> filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 11/05/2014)
11/05/2014	<u>83</u>		

			UNOPPOSED MOTION for Order <i>for Authorization to Release Records</i> by Office of the Chief Medical Examiner, State of Oklahoma, Eric Pfeifer, MD. (Pederson, Devan) (Entered: 11/05/2014)
11/05/2014	<u>84</u>		RESPONSE to Motion re <u>66</u> MOTION for Contempt <i>and Other Relief</i> filed by Office of the Chief Medical Examiner, State of Oklahoma, Eric Pfeifer, MD. (Pederson, Devan) (Entered: 11/05/2014)
11/05/2014	<u>85</u>		ENTRY of Appearance by Stephen J Krise on behalf of Michael Thompson (Krise, Stephen) Modified on 11/5/2014 (llg). (Entered: 11/05/2014)
11/05/2014	<u>86</u>		RESPONSE to Motion re <u>65</u> MOTION for Contempt <i>and Other Relief</i> filed by Oklahoma State of. (Krise, Stephen) (Entered: 11/05/2014)
11/05/2014			Docket Annotation: The docket text for <u>85</u> Entry of Appearance by Stephen J Krise has been modified to correctly reflect that the appearance was made on behalf of Michael Thompson rather than the State of Oklahoma. (llg) (Entered: 11/05/2014)
11/05/2014	<u>87</u>		JOINT MOTION for Protective Order by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 11/05/2014)
11/06/2014	<u>88</u>		SCHEDULING ORDER re PRELIMINARY INJUNCTION: Pla–Dft preliminary witness & exhibit lists & copies of exhibits to opposing counsel due 11/14/14; Pla disclose expert testimony by 11/26/14; Dft disclose expert testimony by 12/2/14; Pla–Dft final witness & exhibit lists & copies of addl exhibits to opposing counsel due 12/8/14; Discovery completion 12/10/14; Pla–Dft Proposed Findings of Fact and Conclusions due 12/12/14; Pla–Dft trial briefs due 12/12/14; Pretrial Conference 12/15/2014 at 01:30 PM; Hearing on application for preliminary injunction Dec. 17–19, 2014, at 09:00 AM. Signed by Honorable Stephen P. Friot on 11/6/14. (llg) (Entered: 11/06/2014)
11/06/2014			Set/Reset Hearings: Pretrial Conference set for 12/15/2014 01:30 PM in Courtroom 305 before Honorable Stephen P. Friot. Preliminary Injunction Hearing set for 12/17/2014 thru 12/19/2014 09:00 AM in Courtroom 305 before Honorable Stephen P. Friot. (llg) Modified on 11/6/2014 (llg). (Entered: 11/06/2014)
11/06/2014	<u>89</u>		ORDER granting <u>83</u> Eric Pfeifer, M.D., Oklahoma Office of the Chief Medical Examiner's Unopposed Motion for Authorization to Release Records; denying as moot, w/o prejudice to filing a motion to compel, <u>66</u> Motion of Plaintiffs for Holding of Contempt as to Eric Pfeifer, M.D., Oklahoma Office of the Chief Medical Examiner. Signed by Honorable Stephen P. Friot on 11/6/14. (llg) (Entered: 11/06/2014)
11/06/2014	<u>90</u>		AGREED PROTECTIVE ORDER. Signed by Honorable Stephen P. Friot on 11/6/14. (llg) (Entered: 11/06/2014)
11/06/2014	<u>91</u>		ORDER granting <u>80</u> Unopposed Motion by Counsel for Plaintiff Tremane Wood to Appear Telephonically at Hearing on November 18, 2014, at 1:30 p.m. (as fully set out in this order). Signed by Honorable Stephen P. Friot on 11/6/14. (llg) (Entered: 11/06/2014)
11/10/2014	<u>92</u>		



			MOTION for Preliminary Injunction by Benjamin R Cole, Richard E Glossip, John M Grant, Charles F Warner. (Ghezzi, Patti) (Entered: 11/10/2014)
11/13/2014	<u>93</u>		Minute Order. Proceedings held before Honorable Stephen P. Friot: Motion Hearing held on 11/13/2014. <u>65</u> MOTION for Contempt <i>and Other Relief</i> filed by Emmanuel A Littlejohn, James A Coddington, Nicholas A Davis, Tremane Wood, Wendell A Grissom, Richard S Fairchild, Phillip D Hancock, Kendrick A Simpson, Carlos Cuesta-Rodriguez, Julius D Jones, John M Grant, Kevin R Underwood, James D Pavatt, Brenda E Andrew, Alfred B Mitchell, Shelton D Jackson, Charles F Warner, Raymond E Johnson, Benjamin R Cole, Richard E Glossip, Marlon D Harmon is DENIED IN PART and GRANTED IN PART, as set out on the minute sheet & on the record. Status Conference set for 11/24/2014 09:00 AM in Courtroom 305 before Honorable Stephen P. Friot for the purpose of (i) ascertaining the status of the Commissioner's compliance with this order, & (ii) addressing the arrangements for the production of digitally stored emails. <u>64</u> MOTION for Protective Order <i>and Brief in Support</i> filed by Linda K Neal, Robert C Patton, Michael W Roach, Gene Haynes, Anita K Trammell, Earnest D Ware, Steve Burrage, Frazier Henke, Kevin J Gross is rendered MOOT IN PART, GRANTED IN PART and DENIED IN PART, as set out on the minute sheet & on the record. (Court Reporter Tracy Washbourne.) (llg) (Entered: 11/14/2014)
11/14/2014	<u>94</u>		ORDER memorializing the court's mandatory and prohibitory orders entered at 11/13/14 motion hearing re <u>64</u> MOTION for Protective Order <i>and Brief in Support</i> , <u>65</u> MOTION for Contempt <i>and Other Relief</i> . Follows oral order of 11/13/14. Signed by Honorable Stephen P. Friot on 11/14/14. (llg) (Entered: 11/14/2014)
11/14/2014	<u>95</u>		NOTICE of Change of Address by Stephen J Krise (Krise, Stephen) (Entered: 11/14/2014)
11/14/2014	<u>96</u>		ANSWER to <u>75</u> Amended Complaint by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell.(Stewart, Aaron) (Entered: 11/14/2014)
11/14/2014	<u>97</u>		MOTION to Dismiss <i>Plaintiffs' Amended Complaint and Brief in Support</i> by Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Attachments: # <u>1</u> Exhibit Order Dismissing – Lockett v. Patton –O–2014–361, # <u>2</u> Exhibit Petition in Lockett v Patton – CV–14–637)(Stewart, Aaron) (Entered: 11/14/2014)
11/14/2014	<u>98</u>		Exhibit List / Witness List ( <i>Preliminary</i> ) by Defendants Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 11/14/2014)
11/14/2014	<u>99</u>		Exhibit List / Witness List <i>Preliminary</i> by Plaintiffs Benjamin R Cole, Richard E Glossip, John M Grant, Charles F Warner. (Ghezzi, Patti) (Entered: 11/14/2014)
11/16/2014	<u>100</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 11/13/14 before Judge Friot. Court Reporter: Tracy Washbourne, Telephone number 405–609–5505. Transcript of: Motion for contempt Transcript may be viewed at the court public terminal or purchased through the Court

			Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/8/2014. Redacted Transcript Deadline set for 12/17/2014. Release of Transcript Restriction set for 2/17/2015. (tw, ) (Entered: 11/16/2014)
11/18/2014	<u>101</u>		MOTION to Expedite <i>Response to Defendants' First Interrogatories, Requests for Production and Requests for Admission</i> by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 11/18/2014)
11/18/2014	<u>102</u>		ENTRY of Appearance by Lanita Henricksen on behalf of Charles F Warner (Henricksen, Lanita) (Entered: 11/18/2014)
11/19/2014	<u>103</u>		OBJECTIONS re <u>101</u> MOTION to Expedite <i>Response to Defendants' First Interrogatories, Requests for Production and Requests for Admission</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Letter 4-30-14, # <u>2</u> Exhibit Letter 5-1-14, # <u>3</u> Exhibit Letter 5-6-14)(Ghezzi, Patti) (Entered: 11/19/2014)
11/19/2014	<u>104</u>		ORDER granting in part and denying in part <u>101</u> Motion for Expedited Response to Defendants' First Interrogatories, Requests for Production, and Requests for Admission, as fully set out in this order. Signed by Honorable Stephen P. Friot on 11/19/14. (llg) (Entered: 11/19/2014)
11/19/2014	<u>105</u>		MOTION to Withdraw by <i>Susanna M. Gattoni and Seth A. Day as Counsel</i> by James A Coddington, Charles F Warner. (Attachments: # <u>1</u> Attachment Proposed Order)(Gattoni, Susanna) Modified on 11/19/2014 (llg). (Entered: 11/19/2014)
11/19/2014	<u>106</u>		ORDER granting <u>105</u> Motion to Withdraw as Attorney. Attorney Seth A Day and Susanna M Gattoni terminated as counsel for Charles F Warner, James Coddington. Lanita Henricksen will continue her representation of Charles F. Warner. David Autry will continue his representation of James Coddington. Signed by Honorable Stephen P. Friot on 11/19/14. (llg) (Entered: 11/19/2014)
11/20/2014	<u>107</u>		MOTION to Add Party (Motion for Additional Plaintiff to Proceedings by BJ Stouffer). (kr) (Entered: 11/20/2014)
11/20/2014	<u>108</u>		LETTER from B.J. Stouffer (Attachments: # <u>1</u> Envelope) (kr) (Entered: 11/20/2014)
11/20/2014	<u>109</u>		UNOPPOSED MOTION for Order to <i>Release Records</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 11/20/2014)
11/21/2014	<u>110</u>		ORDER granting <u>109</u> Plaintiffs' Unopposed Motion for Authorization to Release Records. Signed by Honorable Stephen P. Friot on 11/21/14. (llg) (Entered: 11/21/2014)
11/21/2014	<u>111</u>		NOTICE to Take Deposition of Dr. Eric Katz, Dr. David Lubarsky, Dr. Larry Sasich & Dr. Joseph Cohen by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 11/21/2014)
11/22/2014	<u>112</u>		MOTION to Quash <i>Subpoenas</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 11/22/2014)

11/24/2014	<u>113</u>		Minute Entry for proceedings held before Honorable Stephen P. Friot: Status Conference held on 11/24/2014 re Commissioner of DPS' production of discovery as ordered at 11/13/2014 hrg. (Court Reporter Tracy Washbourne.) (llg) (Entered: 11/24/2014)
11/24/2014	<u>114</u>		UNOPPOSED MOTION for Order to <i>Release Records</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 11/24/2014)
11/24/2014	<u>115</u>		ORDER granting <u>114</u> Plaintiffs' Unopposed Motion for Authorization to Release Records. Signed by Honorable Stephen P. Friot on 11/24/14. (llg) (Entered: 11/24/2014)
12/01/2014	<u>116</u>		MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motion to Dismiss</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/01/2014)
12/01/2014	<u>117</u>		RESPONSE to Motion re <u>92</u> MOTION for Preliminary Injunction filed by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Attachments: # <u>1</u> Exhibit Attachment D to OP-040301, # <u>2</u> Exhibit OP-040301, # <u>3</u> Attachment Osborn v. Shillinger (unpublished table decision))(Stewart, Aaron) (Entered: 12/01/2014)
12/02/2014	<u>118</u>		ORDER. Any objection by dfts to <u>116</u> Plaintiffs' Motion for Request for Additional Time to Respond to <u>97</u> Defendants' Motion to Dismiss shall be filed within 3 business days of this date. No reply permitted at this time. Signed by Honorable Stephen P. Friot on 12/2/14. (llg) Modified on 12/2/2014 (llg). (Entered: 12/02/2014)
12/03/2014	<u>119</u>		OBJECTIONS re <u>116</u> MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motion to Dismiss</i> filed by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Attachments: # <u>1</u> Exhibit Letter)(Stewart, Aaron) (Entered: 12/03/2014)
12/03/2014	<u>120</u>		ORDER granting in part and denying in part <u>116</u> Plaintiffs' Motion for Additional Time to Respond to <u>97</u> Defendants' MOTION to Dismiss <i>Plaintiffs' Amended Complaint and Brief in Support</i> . Plfs' ddl for responding to dfts' mtn to dismiss is extended to 12/8/2014 at 10:00 AM. Signed by Honorable Stephen P. Friot on 12/3/14. (llg) (Entered: 12/03/2014)
12/05/2014	<u>121</u>		MOTION to Withdraw as Attorney by Tremane Wood. (Attachments: # <u>1</u> Attachment Proposed Order)(Culshaw, Kelly) Modified on 12/5/2014 (llg). (Entered: 12/05/2014)
12/05/2014	<u>122</u>		ORDER granting <u>121</u> Motion to Withdraw as Attorney. Attorney Kelly L Culshaw terminated as counsel for plf Tremane Wood. Signed by Honorable Stephen P. Friot on 12/5/14. (llg) (Entered: 12/05/2014)
12/06/2014	<u>123</u>		NOTICE of Conventional Filing <i>Plaintiffs' Expedited Motion to Unseal</i> by Patti P Ghezzi on behalf of All Plaintiffs (Ghezzi, Patti) (STRICKEN by 12/8/2014 Notice from the Court.) Modified on 12/8/2014 (llg). (Entered: 12/06/2014)
12/06/2014	<u>124</u>		NOTICE of Conventional Filing <i>Plaintiffs' Expedited Motion to Unseal</i> by Patti P Ghezzi on behalf of All Plaintiffs (Ghezzi, Patti) (Entered: 12/06/2014)



12/08/2014	<u>125</u>		RESPONSE to Motion re <u>97</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint and Brief in Support</i> filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/08/2014)
12/08/2014			NOTICE from the Court STRIKING <u>123</u> Notice of Conventional Filing, as it is a blank document and has been correctly refiled at doc. no. 124. (llg) (Entered: 12/08/2014)
12/08/2014	<u>126</u>		SEALED MOTION by Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood.(llg) (Entered: 12/08/2014)
12/08/2014	<u>127</u>		ORDER denying <u>126</u> Sealed Expedited Motion to Unseal, as fully set out in this order. Signed by Honorable Stephen P. Friot on 12/8/14. (llg) (Entered: 12/08/2014)
12/08/2014	<u>128</u>		Exhibit List / Witness List ( <i>Final</i> ) by Defendants Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/08/2014)
12/08/2014	<u>129</u>		Exhibit List by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood. (Ghezzi, Patti) (Entered: 12/08/2014)
12/08/2014	<u>130</u>		Witness List by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood. (Ghezzi, Patti) (Entered: 12/08/2014)
12/09/2014	<u>131</u>		FIRST MOTION to Compel <i>Discovery</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1) Patton Interrogatory Answers, # <u>2</u> Exhibit 2) Trammell Interrogatory Answers, # <u>3</u> Exhibit 3) Trammell Affidavit)(Ghezzi, Patti) (Entered: 12/09/2014)
12/09/2014	<u>132</u>		SECOND MOTION to Compel <i>Discovery</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/09/2014)
12/09/2014	<u>133</u>		BRIEF IN SUPPORT re <u>132</u> SECOND MOTION to Compel <i>Discovery</i> by All Plaintiffs. (Attachments: # <u>1</u> A) Defendants' Responses to First Requests for Documents, # <u>2</u> B) Plaintiffs' First Requests for Production of Documents)(Ghezzi, Patti) (Entered: 12/09/2014)
12/09/2014	<u>134</u>		

			UNOPPOSED MOTION for Leave to File Excess Pages by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/09/2014)
12/09/2014	<u>135</u>		UNOPPOSED MOTION for Order to <i>Allow Video Testimony</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/09/2014)
12/09/2014	<u>136</u>		ORDER re <u>131</u> FIRST MOTION to Compel <u>132</u> SECOND MOTION to Compel <i>Discovery</i> : <i>The motions are set for hearing on December 12, 2014, at 2:00 p.m. Defendants shall respond to the motions not later than December 11, 2014 at noon. In order to facilitate the courts determination of any privilege or immunity issues raised by the motion at doc. no. 132, the defendants are DIRECTED to deliver to the chambers of the undersigned judge, not later than noon on December 11, copies of all documents that are placed in issue by the motion at doc. no. 132 as to which work product immunity or any privilege is asserted by or on behalf of the defendants. If the issues presented by the motions are resolved by agreement, counsel shall immediately so notify the court. Signed by Honorable Stephen P. Friot on 12/9/14. (kr) (Entered: 12/09/2014)</i>
12/09/2014	<u>137</u>		ORDER granting <u>134</u> Motion for Leave to File Excess Pages. Signed by Honorable Stephen P. Friot on 12/9/14. (kr) (Entered: 12/09/2014)
12/09/2014	<u>138</u>		ORDER granting <u>135</u> Motion for Order. IT IS THEREFORE ORDERED that the Unopposed Motion to Allow Video Testimony is hereby granted and Dr. Cohen and Dr. Lubarsky may appear via video at the preliminary injunction hearing. Signed by Honorable Stephen P. Friot on 12/9/14. (kr) (Entered: 12/09/2014)
12/09/2014	<u>139</u>		NOTICE of Conventional Filing <i>Plaintiffs' Brief on Privilege Issues on Second Motion to Compel Discovery</i> by Patti P Ghezzi on behalf of All Plaintiffs (Ghezzi, Patti) (Entered: 12/09/2014)
12/09/2014	<u>140</u>		MOTION for Protective Order by Steve Burrage, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/09/2014)
12/09/2014	<u>141</u>		SEALED DOCUMENT by Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, John M Grant, Wendell A Grissom, Marlon D Harmon, Raymond E Johnson, Emmanuel A Littlejohn, James D Pavatt, Kendrick A Simpson, Kevin R Underwood(Re: <u>139</u> Notice of Conventional Filing )(Rose, Kathy) (Entered: 12/10/2014)
12/09/2014			Set/Reset Deadlines as to <u>131</u> FIRST MOTION to Compel <i>Discovery</i> , <u>132</u> SECOND MOTION to Compel <i>Discovery</i> . Responses due by noon on 12/11/2014. Motion Hearing set for 12/12/2014 02:00 PM in Courtroom 305 before Honorable Stephen P. Friot. (llg) (Entered: 12/10/2014)
12/10/2014	<u>142</u>		ORDER. Parties are DIRECTED to provide copies of their testifying experts' Rule 26(a)(2) reports to the court, by delivery to the judge's courtroom deputy, not later than 11:00 AM on 12/11/14. Signed by Honorable Stephen P. Friot on 12/10/14. (llg) (Entered: 12/10/2014)
12/10/2014	<u>143</u>		UNOPPOSED MOTION for Leave / <i>Unopposed Motion by Counsel for Plaintiff Tremane Wood to Appear Telephonically at Hearing on December 12, 2014 at 2:00 p.m.</i> by Tremane Wood. (Konrad, Robin) (Entered: 12/10/2014)

			12/10/2014)
12/10/2014	<u>144</u>		ORDER granting <u>143</u> Unopposed Motion by Counsel for Plaintiff Tremane Wood to Appear Telephonically at Hearing on December 12, 2014, at 2:00 p.m. Signed by Honorable Stephen P. Friot on 12/10/14. (llg) (Entered: 12/10/2014)
12/10/2014	<u>145</u>		ORDER denying <u>140</u> Defendants' Motion for Protective Order, as fully set out in this order. Signed by Honorable Stephen P. Friot on 12/10/14. (llg) (Entered: 12/10/2014)
12/11/2014	<u>146</u>		MOTION to Seal Document <i>Response to Plaintiffs' [Doc. 141]</i> by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/11/2014)
12/11/2014	<u>147</u>		ORDER granting <u>146</u> Defendants' Motion for Leave of Court to File Documents Under Seal. Signed by Honorable Stephen P. Friot on 12/11/14. (llg) (Entered: 12/11/2014)
12/11/2014	<u>148</u>		RESPONSE to Motion re <u>131</u> FIRST MOTION to Compel <i>Discovery</i> filed by Steve Burrage, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/11/2014)
12/11/2014	<u>149</u>		RESPONSE to Motion re <u>132</u> SECOND MOTION to Compel <i>Discovery</i> filed by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Attachments: # <u>1</u> Exhibit Document Log, # <u>2</u> Exhibit 11/24/2014 Discovery ltr, # <u>3</u> Exhibit 11/26/2014 Discovery ltr, # <u>4</u> Exhibit 12/02/2014 Discovery ltr, # <u>5</u> Exhibit 12/08/2014 Discovery ltr, # <u>6</u> Exhibit Privilege Log)(Stewart, Aaron) (Entered: 12/11/2014)
12/11/2014	<u>150</u>		SEALED DOCUMENT by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware(Re: <u>132</u> SECOND MOTION to Compel <i>Discovery</i> )(Rose, Kathy) (Entered: 12/11/2014)
12/11/2014	<u>151</u>		RESPONSE to Motion re <u>107</u> MOTION to Add Party filed by Steve Burrage, Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/11/2014)
12/11/2014	<u>152</u>		NOTICE of Conventional Filing of <i>Second Motion to Unseal</i> by Patti P Ghezzi on behalf of All Plaintiffs (Ghezzi, Patti) (Entered: 12/11/2014)
12/12/2014	<u>153</u>		REPLY by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood re <u>150</u> Sealed Document <i>Response to Privilege Brief</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Executive Order)(Ghezzi, Patti) (Entered: 12/12/2014)

12/12/2014	<u>154</u>		SEALED MOTION by Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Richard S Fairchild, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood.(Re: <u>90</u> Protective Order )(Rose, Kathy) (Entered: 12/12/2014)
12/12/2014	<u>155</u>		ORDER denying <u>97</u> Motion to Dismiss. After careful consideration, defendants motion to dismiss is DENIED without prejudice to the possible re–urging of some of defendants arguments at another stage, if and when appropriate, with arguments carefully tailored to the evidence as it standsat that time. Signed by Honorable Stephen P. Friot on 12/12/14. (kr) (Entered: 12/12/2014)
12/12/2014	<u>156</u>		Minute Entry for proceedings held before Honorable Stephen P. Friot: Hearing on <u>131</u> Plaintiffs' First Motion to Compel Discovery and <u>132</u> Plaintiffs' Second Motion to Compel Discovery. Motions denied as set forth in the minute.(Court Reporter Tracy Washbourne.) (jy) (Entered: 12/12/2014)
12/12/2014	<u>157</u>		Proposed Findings of Fact by Defendants Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/12/2014)
12/12/2014	<u>158</u>		TRIAL BRIEF by Defendants Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/12/2014)
12/12/2014	<u>159</u>		Proposed Findings of Fact by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood. (Ghezzi, Patti) (Entered: 12/12/2014)
12/12/2014	<u>160</u>		TRIAL BRIEF <i>Preliminary Hearing Brief</i> by Plaintiffs Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood. (Ghezzi, Patti) (Entered: 12/12/2014)
12/15/2014	<u>161</u>		MOTION in Limine <i>and Brief in Support</i> by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/15/2014)
12/15/2014	<u>162</u>		Minute Order. Proceedings held before Honorable Stephen P. Friot: Pretrial Conference re Preliminary Injunction Hearing held on 12/15/2014. (Court Reporter Tracy Washbourne.) (llg) (Entered: 12/15/2014)
12/16/2014	<u>163</u>		ENTER ORDER striking as moot <u>112</u> Plaintiffs' Motion to Quash Subpoenas. Entered at the direction of Honorable Stephen P. Friot on 12/16/14. (llg) (Entered: 12/16/2014)
12/16/2014	<u>164</u>		

		ENTRY of Appearance by Kim Max Rytter on behalf of Michael Thompson, Stephen J Krise (Rytter, Kim) Modified on 12/16/2014 (llg). (Entered: 12/16/2014)
12/16/2014	<u>165</u>	MOTION to Quash <i>Subpoena</i> by Michael Thompson, Stephen J Krise. (Rytter, Kim) Modified on 12/16/2014 (llg). (Entered: 12/16/2014)
12/16/2014		Docket Annotation: The docket text for doc. nos. 164 and 165 has been modified to reflect that both filings were made on behalf of both Michael Thompson and Stephen J Krise. (llg) (Entered: 12/16/2014)
12/16/2014	<u>166</u>	RESPONSE to Motion re <u>165</u> MOTION to Quash <i>Subpoena</i> filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/16/2014)
12/17/2014	<u>167</u>	ENTRY of Appearance by Robert D Nelon on behalf of Ziva Branstetter (Nelon, Robert) (Entered: 12/17/2014)
12/17/2014	<u>168</u>	MOTION for Order <i>for Objection to Sequestration Order and Request for Relief</i> by Ziva Branstetter. (Nelon, Robert) (Entered: 12/17/2014)
12/19/2014	<u>169</u>	REPLY re <u>151</u> Response to Motion by B.J. Stouffer (Attachments: # <u>1</u> Envelope)(kr) (Entered: 12/19/2014)
12/19/2014	<u>170</u>	Minute Order. Proceedings held before Honorable Stephen P. Friot: Preliminary Injunction Hearing held on 12/17/2014, 12/18/2014 and 12/19/2014. <u>92</u> MOTION for Preliminary Injunction filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip is TAKEN UNDER ADVISEMENT. As to <u>168</u> <i>Objection to Sequestration Order and Request for Relief</i> filed by Ziva Branstetter, court rules that Ms. Branstetter will be permitted to remain in the courtroom. <u>165</u> MOTION to Quash <i>Subpoena</i> filed by Stephen J Krise, Michael Thompson is STRICKEN AS MOOT. Court will rule from the bench on the motion for preliminary injunction at 3:00 PM on 12/22/2014 in Courtroom 305. (Court Reporter Tracy Washbourne.) (llg) (Entered: 12/22/2014)
12/22/2014	<u>171</u>	ORDER denying <u>107</u> Motion for Additional Plaintiff to Proceedings by Bigler J Stouffer II. Signed by Honorable Stephen P. Friot on 12/22/14. (llg) (Entered: 12/22/2014)
12/22/2014	<u>172</u>	Minute Order. Proceedings held before Honorable Stephen P. Friot: Preliminary Injunction Hearing completed on 12/22/2014. <u>161</u> Plaintiffs' MOTION in Limine <i>and Brief in Support</i> as to the testimony of Dr. R. Lee Evans is DENIED. <u>92</u> MOTION for Preliminary Injunction filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip is without merit and is in all things DENIED. Brief written order to follow. Parties' exhibits are WITHDRAWN. (Court Reporter Tracy Washbourne.) (llg) (Entered: 12/22/2014)
12/22/2014	<u>173</u>	ORDER denying <u>92</u> MOTION for Preliminary Injunction. Follows oral order of 12/22/14. Signed by Honorable Stephen P. Friot on 12/22/14. (llg) (Entered: 12/22/2014)
12/23/2014	<u>174</u>	MOTION to Appoint Counsel by All Plaintiffs. (Ghezzi, Patti) (Entered: 12/23/2014)
12/23/2014	<u>175</u>	



			RESPONSE to Motion re <u>154</u> SEALED MOTION by Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, James D Pavatt, Kendrick A filed by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Stewart, Aaron) (Entered: 12/23/2014)
12/23/2014	<u>176</u>		NOTICE OF APPEAL as to <u>173</u> Order – Written Order Following Oral Order on Motion by Benjamin R Cole, Richard E Glossip, John M Grant, Charles F Warner. (Ghezzi, Patti) (Entered: 12/23/2014)
12/23/2014	<u>177</u>		ORDER granting <u>174</u> Motion to Appoint Counsel. Signed by Honorable Stephen P. Friot on 12/23/14. (kr) (Entered: 12/23/2014)
12/23/2014	<u>178</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 12/17/14, 12/18/14, 12/19/14 before Judge Friot. Court Reporter: Tracy Washbourne, Telephone number 405–609–5505. Transcript of: Preliminary Injunction Hearing Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/13/2015. Redacted Transcript Deadline set for 1/23/2015. Release of Transcript Restriction set for 3/23/2015. (tw, ) (Entered: 12/23/2014)
12/23/2014	<u>179</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 12/22/14 before Judge Friot. Court Reporter: Tracy Washbourne, Telephone number 405–609–5505. Transcript of: Court's Ruling Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/13/2015. Redacted Transcript Deadline set for 1/23/2015. Release of Transcript Restriction set for 3/23/2015. (tw, ) (Entered: 12/23/2014)
12/23/2014	<u>180</u>		PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>176</u> Notice of Appeal (kr) (Entered: 12/23/2014)
12/23/2014	<u>181</u>		Tenth Circuit Court of Appeals USCA Case Number 14–6244 for <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip. (kr) (Entered: 12/24/2014)
12/24/2014	<u>182</u>		USCA Appeal Fee received in the amount of \$ 505, receipt number OKW500043906, re <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip (kr) (Entered: 12/24/2014)
12/24/2014	<u>183</u>		DESIGNATION of Record on Appeal by Benjamin R Cole, Richard E Glossip, John M Grant, Charles F Warner re <u>176</u> Notice of Appeal (Attachments: # <u>1</u> Attachment Docket Sheet)(Ghezzi, Patti) (Entered: 12/24/2014)
12/24/2014	<u>184</u>		LETTER – Record Sent Electronically to USCA Volume(s) 3 re <u>176</u> Notice of Appeal (kr) (Entered: 12/24/2014)
12/30/2014	<u>185</u>		

		STATUS/SCHEDULING CONFERENCE DOCKET: Scheduling Conference set for 2/2/2015 09:00 AM in Chambers before Honorable Stephen P. Friot. Status Report due by 1/29/2015. (llg) (Entered: 12/30/2014)
01/06/2015	<u>186</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 12/15/14 before Judge Friot. Court Reporter: Tracy Washbourne, Telephone number 405-609-5505. re <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip Transcript of: Pretrial conference hearing Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/27/2015. Redacted Transcript Deadline set for 2/6/2015. Release of Transcript Restriction set for 4/6/2015. (tw, ) (Entered: 01/06/2015)
01/12/2015	<u>187</u>	USCA OPINION as to <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip. The district court's order denying a preliminary injunction is AFFIRMED. Plaintiffs' emergency motion for a stay of execution pending appeal is DENIED. (kr) Modified on 1/13/2015 (kr). (Entered: 01/13/2015)
01/12/2015	<u>188</u>	USCA JUDGMENT as to <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip. This case originated in the Western District of Oklahoma and was submitted on the briefs at the direction of the court. The judgment of that court is affirmed. (kr) (Entered: 01/13/2015)
01/13/2015		Docket Annotation: Doc. <u>187</u> docket text changed to correct spelling error. (kr) Modified on 1/13/2015 (llg). (Entered: 01/13/2015)
01/14/2015	<u>189</u>	PETITION FOR WRIT OF CERTIORARI re Supreme Court Number: 14-7955. (kr) (Entered: 01/15/2015)
01/15/2015	<u>190</u>	STAY OF EXECUTION Denied. (kr) Modified on 1/16/2015 (kr). (Entered: 01/16/2015)
01/16/2015		Docket Annotation:Docket text changed on Doc. <u>190</u> to properly reflect the pleading. (kr) (Entered: 01/16/2015)
01/20/2015	<u>191</u>	ORDER regarding <u>154</u> Plaintiffs' Sealed Second Motion to Unseal Pursuant to the Protective Order (as fully set out in this order). Signed by Honorable Stephen P. Friot on 1/20/15. (llg) (Entered: 01/20/2015)
01/22/2015	<u>192</u>	NOTICE (other) by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware re <u>191</u> Order on Sealed Motion (Stewart, Aaron) (Entered: 01/22/2015)
01/23/2015	<u>194</u>	PETITION FOR WRIT OF CERTIORARI Granted. The motion of petitioners for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. (kr) (Entered: 01/26/2015)
01/26/2015	<u>193</u>	ENTER ORDER striking 2/2/15 status/scheduling conference, striking 1/29/15 ddl for filing of jt status report, to be reset at a later date. Entered at the direction of Honorable Stephen P. Friot on 1/26/15. (llg) (Entered: 01/26/2015)

01/28/2015	<u>195</u>		ORDER of United States Supreme Court as to <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip. Respondents application for stays of execution of sentences of death presented to Justice Sotomayor and by her referred to the Court is granted and it is hereby ordered that petitioners executions using midazolam are stayed pending final disposition of this case. (kr) (Entered: 01/28/2015)
02/03/2015	<u>196</u>		ORDER of USCA as to <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip. In light of the grant of certiorari review in this matter, the mandate of this court is stayed pending the United States Supreme Courts final disposition. See Fed. R. App. P. 41(d)(2)(B). (kr) (Entered: 02/04/2015)
02/24/2015	<u>197</u>		SEALED DOCUMENT by Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood(Re: <u>175</u> Response to Motion, )(Rose, Kathy) (Entered: 02/25/2015)
03/04/2015	<u>198</u>		SEALED DOCUMENT by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware(Re: <u>191</u> Order on Sealed Motion )(Rose, Kathy) (Entered: 03/04/2015)
03/16/2015	<u>199</u>		SEALED DOCUMENT by Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Charles F Warner, Tremane Wood(Re: <u>198</u> Sealed Document)(llg) (Entered: 03/16/2015)
03/17/2015	<u>200</u>		NOTICE (other) by Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware re <u>191</u> Order on Sealed Motion <i>Regarding Production</i> (Stewart, Aaron) (Entered: 03/17/2015)
03/18/2015	<u>201</u>		RESPONSE re <u>200</u> Notice (other) <i>Notice to the Court</i> filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 03/18/2015)
03/19/2015	<u>202</u>		USCA LETTER re <u>195</u> USCA Order. (kr) (Entered: 03/19/2015)
03/27/2015	<u>203</u>		ORDER granting in part and denying in part, as stated in this order, <u>154</u> Plaintiffs' Sealed Second Motion to Unseal Pursuant to the Protective Order. The restraint of the protective order in this case shall not apply to the passages that the court has, in this order, determined shall not be redacted. Signed by Honorable Stephen P. Friot on 3/27/15. (llg) (Entered: 03/27/2015)
06/29/2015	<u>204</u>		Opinion of the Court, affirming the judgment of the Court of Appeals for the Tenth Circuit.(kr) Modified on 6/30/2015 (kr). (Entered: 06/30/2015)
06/30/2015			Docket Annotation:Docket text of Doc. <u>204</u> corrected to reflect correct pleading. (kr) (Entered: 06/30/2015)



07/01/2015	<u>205</u>		UNOPPOSED MOTION for Leave to File Excess Pages by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 07/01/2015)
07/01/2015	<u>206</u>		ORDER granting <u>205</u> Defendants' Unopposed Motion to File Oversized Brief. Signed by Honorable Stephen P. Friot on 7/1/15. (llg) (Main Document 206 replaced on 7/1/2015) (llg). (Entered: 07/01/2015)
07/01/2015			Docket Annotation: The document attached at doc. no. 206 has been replaced with a corrected document. The nef for doc. no. 206 will be regenerated. (llg) (Entered: 07/01/2015)
07/01/2015	<u>207</u>		ENTER ORDER. Status/Scheduling Conference set for 7/7/2015 11:00 AM in Chambers before Honorable Stephen P. Friot. Entered at the direction of Honorable Stephen P. Friot on 7/1/15. (llg) (Entered: 07/01/2015)
07/06/2015	<u>208</u>		NOTICE (other) by Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware <i>Regarding Execution Protocol</i> (Attachments: # <u>1</u> Exhibit 1 – OP–040301 – Effective 6.30.15, # <u>2</u> Exhibit 2 – Summary of Changes to Protocol)(Hadden, John) (Entered: 07/06/2015)
07/07/2015	<u>209</u>		SCHEDULING ORDER: Motions to join due 8/1/15; Motions to amend due 8/1/15; Pla expert witness list and expert reports due 11/20/15; Dft expert witness list and expert reports due 21 days t/a; Pla witness list due 12/10/15; Dft witness list due 14 days t/a; Pla exhibit list due 12/10/15; Dft exhibit list due 14 days t/a; Motions in limine due 3/22/16; Trial briefs due 3/22/16; Proposed Findings of Fact and Conclusions due 3/22/16; Bench Trial set for 4/12/2016 09:30 AM in Courtroom 305 before Honorable Stephen P. Friot. Discovery due by 3/15/2016. Dispositive & Daubert Motions due by 1/1/2016. Pretrial Report due by 3/22/2016. The scheduling that is put in place by this Scheduling Order is not indicative of the appropriateness of entry of a stay of execution by this court as to any present or future plfs in this action. Both sides are granted leave to file dispositive mtns & responses to dispositive mts of up to 50 pgs in length. From this point forward, the style of this case shall be Richard E. Glossip, et al. v. Kevin J. Gross, et al. Entered at the direction of Honorable Stephen P. Friot on 7/7/15. (llg) (Entered: 07/07/2015)
07/08/2015	<u>210</u>		NOTICE (other) by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware <i>of Execution Dates</i> (Attachments: # <u>1</u> Exhibit 1 – Okla. Court of Crim. App. Orders Setting Executions of Glossip, Cole & Grant)(Joseph, Jeb) (Entered: 07/08/2015)
08/03/2015	<u>211</u>		MOTION to Amend/Correct <i>Complaint and to Name Additional Defendants</i> by Brenda E Andrew, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Richard S Fairchild, Richard E Glossip, John M Grant, Wendell A Grissom, Phillip D Hancock, Marlon D Harmon, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Alfred B Mitchell, James D Pavatt, Kendrick A Simpson, Kevin R Underwood, Tremane Wood. (Attachments: # <u>1</u> Attachment Second Amended Complaint)(Ghezzi, Patti) (Entered: 08/03/2015)
08/07/2015	<u>212</u>		

		RESPONSE in Opposition re <u>211</u> MOTION to Amend/Correct <i>Complaint and to Name Additional Defendants and Brief in Support</i> filed by Steve Burrage, Kevin J Gross, Gene Haynes, Frazier Henke, Linda K Neal, Robert C Patton, Michael W Roach, Anita K Trammell, Earnest D Ware. (Hadden, John) (Entered: 08/07/2015)
08/10/2015	<u>213</u>	REPLY to Response to Motion re <u>211</u> MOTION to Amend/Correct <i>Complaint and to Name Additional Defendants</i> filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 08/10/2015)
08/11/2015	<u>214</u>	ORDER granting <u>211</u> Plaintiff's Motion for Leave to Amend Complaint and to Name Additional Defendants. Plfs may file their Second Amended Complaint within 3 business days of this date. If they fail to do so, this action will proceed under the First Amended Complaint. Signed by Honorable Stephen P. Friot on 8/11/15. (llg) (Entered: 08/11/2015)
08/11/2015	<u>215</u>	AMENDED COMPLAINT <i>Second</i> against All Defendants filed by All Plaintiffs.(Ghezzi, Patti) (Entered: 08/11/2015)
08/12/2015	<u>216</u>	Summons Issued Electronically as to Edward Evans, John T Holder, Irma J Newburn, David Parker, James M Tilly, Greg Williams. (kr) (Entered: 08/12/2015)
08/12/2015	<u>217</u>	SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Edward Evans served on 8/12/2015. (Ghezzi, Patti) (Entered: 08/12/2015)
08/12/2015	<u>218</u>	SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. John T Holder served on 8/12/2015. (Ghezzi, Patti) (Entered: 08/12/2015)
08/12/2015	<u>219</u>	SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Irma J Newburn served on 8/12/2015. (Ghezzi, Patti) (Entered: 08/12/2015)
08/12/2015	<u>220</u>	SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. David Parker served on 8/12/2015. (Ghezzi, Patti) (Entered: 08/12/2015)

08/12/2015	<u>221</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. James M Tilly served on 8/12/2015. (Ghezzi, Patti) (Entered: 08/12/2015)
08/12/2015	<u>222</u>		SUMMONS Returned Executed by Tremane Wood, John M Grant, Shelton D Jackson, James A Coddington, Phillip D Hancock, Richard E Glossip, Kevin R Underwood, Alfred B Mitchell, Raymond E Johnson, Emmanuel A Littlejohn, Kendrick A Simpson, Richard S Fairchild, Benjamin R Cole, Marlon D Harmon, James D Pavatt, Brenda E Andrew, Wendell A Grissom, Carlos Cuesta-Rodriguez, Julius D Jones, Nicholas A Davis. Greg Williams served on 8/12/2015. (Ghezzi, Patti) (Entered: 08/12/2015)
08/18/2015	<u>223</u>		MOTION for Summary Judgment <i>as Fairchild's Claims and Brief in Support</i> by Robert C Patton. (Attachments: # <u>1</u> Exhibit 1 – 2015–08–11 – Ghezzi ltr re drugs to use in execution, # <u>2</u> Exhibit 2 – Transcript of Prelim. Injunct Hearing, # <u>3</u> Exhibit 3 – Warner Execution Timeline dated 1.15.15, # <u>4</u> Attachment Osborn v Shillinger (unpublished case))(Stewart, Aaron) (STRICKEN AS WITHDRAWN pursuant to doc. no. 252 and 10/2/2015 Notice from the Court.) Modified on 10/2/2015 (llg). (Entered: 08/18/2015)
08/19/2015	<u>224</u>		ORDER. The court notes the filing of <u>223</u> Director Patton's Motion for Summary Judgment as to Plaintiff Fairchild's Claims. Under the circumstances of this case, the court will observe, at least preliminarily, that it does not appear that the filing of multiple mtns under Rule 56 by any one dft would be necessary or desirable. The court will, of course, proceed to address Director Patton's mtn in due course, after it is at issue. However, the court gives no assurance that it will permit the filing of multiple mtns, by any one dft, under Rule 56. Signed by Honorable Stephen P. Friot on 8/19/15. (llg) (Entered: 08/19/2015)
08/24/2015	<u>225</u>		ENTRY of Appearance by John D Hadden on behalf of Edward Evans, John T Holder, Irma J Newburn, David Parker, James M Tilly, Greg Williams (Hadden, John) (Entered: 08/24/2015)
08/24/2015	<u>226</u>		ENTRY of Appearance by Jeb E Joseph on behalf of Edward Evans, John T Holder, Irma J Newburn, David Parker, James M Tilly, Greg Williams (Joseph, Jeb) (Entered: 08/24/2015)
08/24/2015	<u>227</u>		ENTRY of Appearance by Aaron J Stewart on behalf of Edward Evans, John T Holder, Irma J Newburn, David Parker, James M Tilly, Greg Williams (Stewart, Aaron) (Entered: 08/24/2015)
08/24/2015	<u>228</u>		ANSWER to <u>215</u> Amended Complaint by Steve Burrage, Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Linda K Neal, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Earnest D Ware, Greg Williams.(Stewart, Aaron) (Entered: 08/24/2015)
08/28/2015	<u>229</u>		ORDER of Supreme Court. Rehearings Denied. (kr) (Entered: 08/28/2015)
08/28/2015	<u>230</u>		

		USCA MANDATE Issued re <u>176</u> Notice of Appeal filed by John M Grant, Charles F Warner, Benjamin R Cole, Richard E Glossip (kr) (Entered: 08/28/2015)
09/08/2015	<u>231</u>	UNOPPOSED MOTION for Extension of Time to File Response/Reply to Defendant Patton's Motion for Summary Judgment by Richard S Fairchild. (Ghezzi, Patti) (Entered: 09/08/2015)
09/08/2015	<u>232</u>	ORDER granting <u>231</u> Unopposed Motion by Plaintiff Richard Fairchild to Extend Time to File Response to <u>223</u> Defendant Patton's MOTION for Summary Judgment as to Fairchild's Claims and Brief in Support. Response due by 9/11/2015. Signed by Honorable Stephen P. Friot on 9/8/15. (llg) (Entered: 09/08/2015)
09/09/2015	<u>233</u>	SECOND MOTION for Extension of Time to File Response/Reply to Defendant Patton's Motion for Summary Judgment by Richard S Fairchild. (Ghezzi, Patti) (Entered: 09/09/2015)
09/09/2015	<u>234</u>	ORDER granting <u>233</u> Second Unopposed Motion by Plaintiff Richard Fairchild to Extend Time to File Response to <u>223</u> Defendant Patton's MOTION for Summary Judgment as to Fairchild's Claims and Brief in Support. Response due by 9/14/2015. Signed by Honorable Stephen P. Friot on 9/9/15. (llg) (Entered: 09/09/2015)
09/15/2015	<u>235</u>	RESPONSE in Opposition re <u>223</u> MOTION for Summary Judgment as Fairchild's Claims and Brief in Support filed by Richard S Fairchild. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit)(Ghezzi, Patti) (Entered: 09/14/2015)
09/15/2015		NOTICE from the Court re <u>235</u> Plaintiff Richard Fairchild's Opposition to Defendant Patton's Motion for Summary Judgment. Counsel for plaintiff Richard Fairchild is DIRECTED, in future filings, to comply with the court's ECF Policies & Procedures Manual, Section II.A.4.a. – "... A description [more than just the exhibit no.] of the numbered exhibit must be provided in the docket entry...." Failure to comply in the future may result in filings being stricken. (llg) (Entered: 09/15/2015)
09/16/2015	<u>236</u>	EMERGENCY MOTION for Preliminary Injunction by Richard E Glossip. (Attachments: # <u>1</u> Exhibit Letter to Patti Ghezzi from Jeb Joseph regarding discovery, dated September 15, 2015, # <u>2</u> Exhibit Letter to Jeb Joseph from Patti Ghezzi—Redacted, dated September 15, 2015, # <u>3</u> Exhibit Email to Jeb Joseph from Patti Ghezzi, # <u>4</u> Exhibit Expert Report of Craig Stevens, Ph.D., Determination of the Intravenous Dose of Midazolam that Produces a Ceiling Effect in the Human Brain, September 10, 2015, # <u>5</u> Exhibit Declaration of Kimberly Ludwig, dated September 11, 2015, # <u>6</u> Exhibit Declaration of Julie Gardner, dated September 11, 2015, # <u>7</u> Exhibit Execution List 2015, Death Penalty Information Center, # <u>8</u> Exhibit Texas Department of Criminal Justice, Executed Offenders, # <u>9</u> Exhibit Letter to Patti Ghezzi from Jeb Joseph, dated September 16, 2015)(Ghezzi, Patti) (Entered: 09/16/2015)
09/16/2015	<u>237</u>	ORDER Setting Hearing on <u>236</u> Plaintiff Richard E. Glossip's EMERGENCY MOTION for Preliminary Injunction: Motion Hearing set for 9/25/2015 08:00

			AM in Courtroom 305 before Honorable Stephen P. Friot. Responses due by 9/23/2015. Signed by Honorable Stephen P. Friot on 9/16/15. (llg) (Entered: 09/16/2015)
09/16/2015	<u>238</u>		NOTICE (other) by Richard E Glossip (Attachments: # <u>1</u> Exhibit Order Granting Emergency Request for Stay of Execution and Resetting Execution Date)(Ghezzi, Patti) (Entered: 09/16/2015)
09/16/2015	<u>239</u>		MOTION for Extension of Time <i>to File Reply</i> by Robert C Patton. (Stewart, Aaron) Modified on 9/16/2015 (llg). (Entered: 09/16/2015)
09/16/2015	<u>240</u>		ORDER granting <u>239</u> Defendant's Motion for Extension of Time to File Reply re <u>223</u> MOTION for Summary Judgment <i>as to Fairchild's Claims and Brief in Support</i> . Reply due by 9/23/2015. Signed by Honorable Stephen P. Friot on 9/16/15. (llg) (Entered: 09/16/2015)
09/22/2015	<u>241</u>		MOTION to Quash <i>Subpoena</i> by Robert C Patton. (Attachments: # <u>1</u> Exhibit 1 – Subpoena to Testify at Depo to Director Patton, # <u>2</u> Exhibit 2 – Email dated 9/03/15, # <u>3</u> Exhibit 3 – Email dated 9/11/15 at 1:25:44pm, # <u>4</u> Exhibit 4 – Email dated 9/11/15 at 2:21:18pm, # <u>5</u> Exhibit 5 – Excerpts of OP-040301 – Effective 9/30/14)(Joseph, Jeb) (Entered: 09/22/2015)
09/22/2015	<u>242</u>		RESPONSE to Motion re <u>241</u> MOTION to Quash <i>Subpoena</i> filed by Richard E Glossip. (Ghezzi, Patti) (Entered: 09/22/2015)
09/22/2015	<u>243</u>		ENTER ORDER striking as moot <u>241</u> Defendant Robert Patton's Objection and Motion to Quash Subpoena and Brief in Support. Entered at the direction of Honorable Stephen P. Friot on 9/22/15. (llg) (Entered: 09/22/2015)
09/22/2015	<u>244</u>		NOTICE (other) by Richard E Glossip (Ghezzi, Patti) (Entered: 09/22/2015)
09/23/2015	<u>245</u>		ENTER ORDER. In light of the filing of <u>244</u> Notice of Withdrawal of Emergency Motion for Preliminary Injunction on behalf of Richard E. Glossip, the court STRIKES AS WITHDRAWN <u>236</u> Emergency Motion for Preliminary Injunction on behalf of Plaintiff Richard E. Glossip and STRIKES 9/25/15 hearing on same. Entered at the direction of Honorable Stephen P. Friot on 9/23/15. (llg) (Entered: 09/23/2015)
09/23/2015	<u>246</u>		REPLY to Response to Motion re <u>223</u> MOTION for Summary Judgment <i>as Fairchild's Claims and Brief in Support</i> filed by Robert C Patton. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Shawn Dodson, # <u>2</u> Exhibit 2 – Affidavit of David Parker, # <u>3</u> Exhibit 3 – Petition – Lockett v Patton – CV-14-637, # <u>4</u> Exhibit 4 – Order – Lockett v Patton – O-14-361)(Stewart, Aaron) (Entered: 09/23/2015)
09/24/2015	<u>247</u>		UNOPPOSED MOTION to Supplement <i>Opposition to Defendant Patton's Motion for Summary Judgment</i> by Richard S Fairchild. (Attachments: # <u>1</u> Exhibit 24) Decl. of Robert Lee, # <u>2</u> Exhibit 24-A) Letter from VDOC dated 9-16-15, # <u>3</u> Exhibit 24-B) DEA receipt, # <u>4</u> Exhibit 24-C) photo of pento bottles, # <u>5</u> Exhibit 25) Decl. of Patti Ghezzi, # <u>6</u> Exhibit 25-A) Email dated 8-19-15, # <u>7</u> Exhibit 25-B) Email dated 8-21-15, # <u>8</u> Exhibit 25-C) Email dated 8-21-15, # <u>9</u> Exhibit 25-D) Email dated 8-25-15, # <u>10</u> Exhibit 25-E) Email dated 9-3-15, # <u>11</u> Exhibit 25-F) Email dated 9-23-15, # <u>12</u> Exhibit 25-G) Email dated 9-18-15)(Ghezzi, Patti) (Entered: 09/24/2015)
09/25/2015	<u>248</u>		



		ORDER granting <u>247</u> Plaintiff Fairchild's Motion to Supplement His Opposition to Defendant Patton's Motion for Summary Judgment. The supplement shall be filed within 3 business days of this date. Any response to the supplement which is necessary shall be filed within 7 days of the filing of the supplement. Signed by Honorable Stephen P. Friot on 9/25/15. (llg) (Entered: 09/25/2015)
09/30/2015	<u>249</u>	RESPONSE in Opposition re <u>223</u> MOTION for Summary Judgment <i>as Fairchild's Claims and Brief in Support Supplement</i> filed by Richard S Fairchild. (Attachments: # <u>1</u> Exhibit Dec of R Lee, # <u>2</u> Exhibit Ltr from VDOC 9-16-15, # <u>3</u> Exhibit DEA Receipt, # <u>4</u> Exhibit photos of pento bottles, # <u>5</u> Exhibit 2nd Dec of P Ghezzi, # <u>6</u> Exhibit Email dated 8-19-15, # <u>7</u> Exhibit Email dated 8-21-15, # <u>8</u> Exhibit Email dated 8-21-15, # <u>9</u> Exhibit Email dated 8-25-15, # <u>10</u> Exhibit Email dated 9-3-15, # <u>11</u> Exhibit Email dated 9-23-15, # <u>12</u> Exhibit Email dated 9-18-15, # <u>13</u> Exhibit Email JJ to PG 9-25-15, # <u>14</u> Exhibit Email PG to JJ 9-25-15, # <u>15</u> Exhibit TDCJ Execution dates)(Ghezzi, Patti) (Entered: 09/30/2015)
10/01/2015	<u>250</u>	NOTICE (other) by Steve Burrage, Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Linda K Neal, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Earnest D Ware, Greg Williams (Attachments: # <u>1</u> Exhibit State's Notice and Request for Stay of Execution Dates)(Hadden, John) (Entered: 10/01/2015)
10/02/2015	<u>251</u>	NOTICE (other) by Steve Burrage, Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Linda K Neal, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Earnest D Ware, Greg Williams (Attachments: # <u>1</u> Exhibit 1 – OCCA Order)(Hadden, John) (Entered: 10/02/2015)
10/02/2015	<u>252</u>	NOTICE (other) by Robert C Patton <i>of Withdraw of Motion for Summary Judgment</i> (Stewart, Aaron) (Entered: 10/02/2015)
10/02/2015		NOTICE from the Court. In light of the filing of <u>252</u> Defendant Patton's Notice of Withdrawal of Motion for Summary Judgment, the court STRIKES AS WITHDRAWN <u>223</u> Defendant Patton's MOTION for Summary Judgment <i>as to Fairchild's Claims and Brief in Support</i> . (llg) (Entered: 10/02/2015)
10/08/2015	<u>253</u>	MOTION for Leave to Amend Answer [Doc. 228] by Steve Burrage, Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Linda K Neal, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Earnest D Ware, Greg Williams. (Stewart, Aaron) (Entered: 10/08/2015)
10/09/2015	<u>254</u>	RESPONSE in Opposition re <u>253</u> MOTION for Leave to Amend Answer [Doc. 228] to Second Amended Complaint and Plaintiffs' Request for Status Conference filed by All Plaintiffs. (Ghezzi, Patti) (Entered: 10/09/2015)
10/09/2015	<u>255</u>	ORDER granting <u>253</u> Motion for Leave to Amend Answer. Defendants amended answer is DUE within fourteen days of the date of this order. Plaintiffs response brief includes a request for the court to set another statusconference. The court declines to set another status conference at this time. Accordingly,plaintiffs request (which is improperly embedded in plaintiffs response brief, see LCvR7.1(c)) is DENIED. A party who wishes to

			raise any scheduling matters may do so by motion. Signed by Honorable Stephen P. Friot on 10/9/15. (kr) (Entered: 10/09/2015)
10/13/2015	<u>256</u>		MOTION for Leave <i>to File Sealed Ex Parte Motion for Relief</i> by Steve Burrage, Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Linda K Neal, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Earnest D Ware, Greg Williams. (Stewart, Aaron) (Entered: 10/13/2015)
10/13/2015	<u>257</u>		RESPONSE to Motion re <u>256</u> MOTION for Leave <i>to File Sealed Ex Parte Motion for Relief</i> filed by Richard E Glossip. (Ghezzi, Patti) (Entered: 10/13/2015)
10/14/2015	<u>258</u>		ORDER granting <u>256</u> Defendants' Motion for Leave to File Sealed Ex Parte Motion for Relief. Signed by Honorable Stephen P. Friot on 10/14/15. (llg) (Entered: 10/14/2015)
10/16/2015	<u>259</u>		NOTICE (other) by All Plaintiffs <i>Joint Stipulation for Administrative Closing of Case</i> (Konrad, Robin) (Entered: 10/16/2015)
10/16/2015	<u>260</u>		ADMINISTRATIVE CLOSING ORDER granting <u>259</u> Joint Stipulation for Administrative Closing of Case, as fully set out in this order. Signed by Honorable Stephen P. Friot on 10/16/15. (llg) (Entered: 10/16/2015)
11/08/2018	<u>261</u>		MOTION to Join filed by Wade Lay. (Attachments: # <u>1</u> Exhibit 1 Court Documents Regarding Lay, # <u>2</u> Exhibit 2 Misc. Documents Regarding CIV-17-1224-D, # <u>3</u> Envelope)(kr) Modified on 11/15/2018 (llg). (Entered: 11/09/2018)
11/15/2018	<u>262</u>		ORDER striking <u>261</u> MOTION to Join filed by Wade Lay, w/o prejudice to refile at such time as this action is reopened, or if & when any steps are taken by the State of Okla or any of its employees, contractors or agents, or by any of the dfts in this action, to set an execution date specific to Mr. Lay or to otherwise proceed with Mr. Lay's execution. If any such event occurs, then Mr. Lay may, at that time, file a new mtn seeking leave to intervene in this action as a party plf. The clerk is DIRECTED to return Mr. Lay's original papers to him & to send Mr. Lay a copy of <u>260</u> Administrative Closing Order, along with a copy of this order. Signed by Honorable Stephen P. Friot on 11/15/2018. (llg) (Entered: 11/15/2018)
12/06/2018	<u>263</u>		MOTION to Join filed by Wade Lay. (Attachments: # <u>1</u> Envelope)(kr) (Entered: 12/07/2018)
12/06/2018	<u>264</u>		MOTION for Evidentiary Hearing and Necessary Order of Protection filed by Wade Lay. (Attachments: # <u>1</u> Envelope)(kr) (Entered: 12/07/2018)
12/10/2018	<u>265</u>		ORDER denying <u>263</u> Wade Lay's Motion for Joinder of Parties; denying <u>264</u> Wade Lay's Motion for Evidentiary Hearing and Necessary Order of Protection. Signed by Honorable Stephen P. Friot on 12/10/2018. (llg) (Entered: 12/10/2018)
12/10/2018	<u>266</u>		ADDENDUM to Motion for Evidentiary Hearing and Necessary Injunctive Relief filed by Wade Lay. (Attachments: # <u>1</u> Envelope)(kr) Modified on 12/11/2018 (llg). (Entered: 12/11/2018)
12/11/2018			

			Docket Annotation: The docket text for doc. no. 266 has been modified to reflect that the filing is an "Addendum" to Motion for Evidentiary Hearing and Necessary Injunctive Relief. (llg) (Entered: 12/11/2018)
01/02/2019	<u>267</u>		NOTICE OF APPEAL as to <u>262</u> Order, <u>265</u> Order on Motion for Order, Order on Motion for Hearing filed by Wade Lay. (Attachments: # <u>1</u> Envelope)(ac) (Entered: 01/04/2019)
01/04/2019	<u>268</u>		ORDER re <u>267</u> Notice of Appeal by Wade Lay. The court has DIRECTED the Clerk of this Court to docket Mr. Lay's latest submission as a Notice of Appeal to the Tenth Circuit Court of Appeals. The submission repeatedly refers to this "notice of appeal" or to this "appeal," and appears to challenge orders which have been entered in this action. See, e.g., references to this court's orders (doc. nos. 260, 262) on the second page of Mr. Lay's submission. Mr. Lay is not currently a party in this action. Signed by Honorable Stephen P. Friot on 1/4/2019. (llg) (Entered: 01/04/2019)
01/04/2019	<u>269</u>		PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>267</u> Notice of Appeal (ac) (Entered: 01/04/2019)
01/07/2019	<u>270</u>		Tenth Circuit USCA Case Number 19–6002 for <u>267</u> Notice of Appeal. Prisoner case docketed. DATE RECEIVED: 01/04/2009. Fee or 1915 forms due 02/06/2019 for Wade Lay. Notice of appearance due on 02/06/2019 for Wade Lay, and Notice of appearance due on 01/22/2019 for Brenda E. Andrew, James A. Coddington, Benjamin R. Cole, Carlos Cuesta–Rodriguez, Nicholas Alexander Davis, Edward Evans, Warden, Richard S. Fairchild, Richard E. Glossip, John M. Grant, Wendell A. Grissom, Kevin J. Gross, Phillip D. Handock, Marlon D. Harmon, Gene Haynes, Frazier Henke, John T. Holder, Shelton D. Jackson, Raymond E. Johnson, Julius D. Jones, Emmanuel A. Littlejohn, Alfred B. Mitchell, Irma J. Newburn, David Parker, Robert C Patton, James D. Pavatt, Michael W. Roach, Kendrick A. Simpson, James M. Tilly, Anita K. Trammell, Kevin R. Underwood, Greg Williams and Tremane Wood. [19–6002] (ac) (Entered: 01/08/2019)
01/18/2019	<u>271</u>		MOTION for Order by Wade Lay titled Motion for Related Documents. (ac) (Entered: 01/23/2019)
01/23/2019	<u>272</u>		<b>(TEXT ONLY) ORDER</b> terminating as moot <u>271</u> Motion for Related Documents filed by Wade Lay. The motion has been addressed by the clerk's correspondence with Mr. Lay. Entered at the direction of Honorable Stephen P. Friot on 1/23/2019. (llg) (Entered: 01/23/2019)
01/29/2019	<u>273</u>		NOTICE (other) by Wade Lay re <u>267</u> Notice of Appeal (Attachments: # <u>1</u> Envelope)(ac) (Entered: 01/29/2019)
02/01/2019	<u>274</u>		ENTRY of Appearance by Richard N Mann on behalf of Edward Evans, John T Holder, Irma J Newburn, David Parker, Robert C Patton, James M Tilly, Anita K Trammell, Greg Williams (Mann, Richard) (Entered: 02/01/2019)
02/01/2019	<u>275</u>		ENTRY of Appearance by Lexie P Norwood on behalf of Edward Evans, John T Holder, Irma J Newburn, David Parker, Robert C Patton, James M Tilly, Anita K Trammell, Greg Williams (Norwood, Lexie) (Entered: 02/01/2019)
02/01/2019	<u>276</u>		



			MOTION to Withdraw <i>Allow Withdrawal and Substitution of Counsel</i> by Edward Evans, John T Holder, Irma J Newburn, David Parker, Robert C Patton, James M Tilly, Anita K Trammell, Greg Williams. (Mann, Richard) Modified on 2/4/2019 (llg). (Entered: 02/01/2019)
02/04/2019	<u>277</u>		ORDER granting <u>276</u> Motion to Allow Withdrawal and Substitution of Counsel. Attorney John D Hadden withdrawn. Richard N Mann substituted. Signed by Honorable Stephen P. Friot on 2/4/2019. (llg) (Entered: 02/04/2019)
02/08/2019			Docket Annotation: Mailed documents <u>267</u> and <u>273</u> to the Supreme Court of the United StatesAtt: Clerk of Court1 First St, NEWashington, DC 20543 (ac) (Entered: 02/08/2019)
02/08/2019	<u>278</u>		ORDER of USCA as to <u>267</u> Notice of Appeal. Frap 42; Procedural termination without judicial action; Clerk of the Court. [19-6002 (ac) (Entered: 02/11/2019)
02/08/2019	<u>279</u>		USCA MANDATE Issued re <u>267</u> Notice of Appeal. Mandate issued. [19-6002] (ac) (Entered: 02/11/2019)
02/12/2019	<u>280</u>		ORDER AND JUDGMENT of USCA as to <u>267</u> Notice of Appeal. Frap 42; Procedural termination without judicial action; Clerk of the Court. [19-6002] (ac) (Entered: 02/13/2019)
02/27/2020	<u>281</u>		ENTRY of Appearance by Michael W Lieberman on behalf of All Plaintiffs (Lieberman, Michael) (Entered: 02/27/2020)
02/27/2020	<u>282</u>		ENTRY of Appearance by Emma V Rolls on behalf of All Plaintiffs (Rolls, Emma) (Entered: 02/27/2020)
02/27/2020	<u>283</u>		MOTION to Reopen Case by All Plaintiffs. (Attachments: # <u>1</u> Exhibit ODOC Policy No. OP-040301, # <u>2</u> Exhibit Interim Grand Jury Report, # <u>3</u> Exhibit 2-13-2020 letter to P. Ghezzi from M. Mansinghani)(Lieberman, Michael) (Entered: 02/27/2020)
03/03/2020	<u>284</u>		MOTION for Extension of Time to <i>File Second Amended Complaint</i> by All Plaintiffs. (Lieberman, Michael) (Entered: 03/03/2020)
03/03/2020	<u>285</u>		MOTION for Leave to Appear Pro Hac Vice of <i>Harry P. Cohen</i> by All Plaintiffs. (Attachments: # <u>1</u> Attachment Request for Admission Pro Hac Vice)(Lieberman, Michael) (Entered: 03/03/2020)
03/03/2020	<u>286</u>		MOTION for Leave to Appear Pro Hac Vice of <i>James Stronski</i> by All Plaintiffs. (Attachments: # <u>1</u> Attachment Request for Admission Pro Hac Vice)(Lieberman, Michael) (Entered: 03/03/2020)
03/03/2020	<u>287</u>		MOTION for Leave to Appear Pro Hac Vice of <i>Michael K. Robles</i> by All Plaintiffs. (Attachments: # <u>1</u> Attachment Request for Admission Pro Hac Vice)(Lieberman, Michael) (Entered: 03/03/2020)
03/03/2020	<u>288</u>		Receipt for Money Received from All Plaintiffs in the amount of \$150.00, receipt number OKW500078901 regarding <u>286</u> MOTION for Leave to Appear Pro Hac Vice of <i>James Stronski</i> , <u>285</u> MOTION for Leave to Appear Pro Hac Vice of <i>Harry P. Cohen</i> , <u>287</u> MOTION for Leave to Appear Pro Hac Vice of <i>Michael K. Robles</i> (rb) (Entered: 03/03/2020)
03/03/2020	<u>289</u>		

		ENTRY of Appearance by Mithun S Mansinghani on behalf of Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams (Mansinghani, Mithun) (Entered: 03/03/2020)
03/03/2020	<u>290</u>	ENTRY of Appearance by Randall J Yates on behalf of Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams (Yates, Randall) (Entered: 03/03/2020)
03/03/2020	<u>291</u>	ENTRY of Appearance by Zachary P West on behalf of Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams (West, Zachary) (Entered: 03/03/2020)
03/03/2020	<u>292</u>	ENTRY of Appearance by Bryan G Cleveland on behalf of Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams (Cleveland, Bryan) (Entered: 03/03/2020)
03/03/2020	<u>293</u>	ENTRY of Appearance by Andy N Ferguson on behalf of Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams (Ferguson, Andy) (Entered: 03/03/2020)
03/03/2020	<u>294</u>	MOTION to Withdraw <i>and Substitution of Counsel</i> by Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams. (Joseph, Jeb) Modified on 3/3/2020 (llg). (Entered: 03/03/2020)
03/03/2020	<u>295</u>	<b>ORDER</b> granting <u>285</u> Motion to Appear Pro Hac Vice, granting <u>286</u> Motion to Appear Pro Hac Vice, granting <u>287</u> Motion to Appear Pro Hac Vice; provided that Messrs. Cohen, Stronski and Robles submit ECF registration forms and file entries of appearance, consistent with LCvR83.4. Signed by Honorable Stephen P. Friot on 3/3/2020. (llg) (Entered: 03/03/2020)
03/03/2020	<u>296</u>	<b>ORDER</b> granting <u>294</u> Defendants' Motion to Allow Withdrawal and Substitution of Counsel. Attorneys Lexie P Norwood, Jeb E Joseph and Richard N Mann withdrawn as counsel for defendants. Signed by Honorable Stephen P. Friot on 3/3/2020. (llg) (Entered: 03/03/2020)
03/04/2020	<u>297</u>	<b>ORDER</b> re <u>284</u> Plaintiffs' Partially Unopposed MOTION for Extension of Time to File <i>Second Amended Complaint</i> . Scheduling Conference set for 3/12/2020 01:30 PM in Chambers before Honorable Stephen P. Friot (as fully set out in this order). Signed by Honorable Stephen P. Friot on 3/4/2020. (llg) (Entered: 03/04/2020)
03/05/2020	<u>298</u>	ENTRY of Appearance by Michael K Robles on behalf of All Plaintiffs (Robles, Michael) (Entered: 03/05/2020)
03/05/2020	<u>299</u>	ENTRY of Appearance by Harry P Cohen on behalf of All Plaintiffs (Cohen, Harry) (Entered: 03/05/2020)
03/05/2020	<u>300</u>	ENTRY of Appearance by James K Stronski on behalf of All Plaintiffs (Stronski, James) (Entered: 03/05/2020)

03/11/2020	<u>301</u>		MOTION to Withdraw as Attorney by <i>Wythe and Pederson</i> and by Office of the Chief Medical Examiner, State of Oklahoma, Eric Pfeifer MD. (Pederson, Devan) (Entered: 03/11/2020)
03/11/2020	<u>302</u>		<b>ORDER</b> granting <u>301</u> Motion to Withdraw as Counsel for Nonparties Eric Pfeifer and the Office of the Chief Medical Examiner. Attorneys Devan A Pederson and Tiffany J Wythe withdrawn. Signed by Honorable Stephen P. Friot on 3/11/2020. (llg) (Entered: 03/11/2020)
03/11/2020	<u>304</u>		MOTION titled "Co-Plaintiff's (Wade Lay) Motion for Stay of Execution and Evidentiary Hearing (With Brief in Support)" filed by Wade Lay. (Attachments: # <u>1</u> Envelope)(ank) (Entered: 03/12/2020)
03/12/2020	<u>303</u>		MOTION to Enforce <i>the Terms of the Court's Order Granting Joint Stipulation</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Protocol OP-040301 – Effective 6-30-15, # <u>2</u> Exhibit 2 – OP-040301 – Protocol Effective 2-20-20, # <u>3</u> Exhibit 3 – Interim Grand Jury Report 5-19-16, # <u>4</u> Exhibit 4 – 2-13-20 Notice to P. Ghezzi)(Lieberman, Michael) (Entered: 03/12/2020)
03/12/2020	<u>305</u>		Minute Order. Proceedings held before Honorable Stephen P. Friot: Scheduling Conference held on 3/12/2020. As to Wade Lay, the court grants an oral motion, through Mr. Wade's new counsel Jim Stronski, for Mr. Lay to intervene as a plf. <u>304</u> Wade Lay's Motion for Stay of Execution and Evidentiary Hearing is STRICKEN. <u>283</u> Plaintiffs' MOTION to Reopen <i>Action Which Was Administratively Closed</i> and <u>303</u> Plaintiffs' MOTION to Enforce <i>the Terms of the Court's Order Granting Joint Stipulation</i> are set for hearing on 5/5/2020 01:30 PM in Courtroom 401 before Honorable Stephen P. Friot. (llg) (Entered: 03/12/2020)
03/19/2020	<u>306</u>		RESPONSE to Motion re <u>283</u> MOTION to Reopen Case filed by Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams. (Mansinghani, Mithun) (Entered: 03/19/2020)
03/19/2020	<u>307</u>		<b>ENTER ORDER REOPENING CASE</b> granting <u>283</u> Plaintiffs' MOTION to Reopen <i>Action Which Was Administratively Closed</i> . The matters raised in <u>303</u> Plaintiffs' Motion to Enforce the Terms of the Court's Order Granting Joint Stipulation will be addressed at the hearing on 5/5/2020. Entered at the direction of Honorable Stephen P. Friot on 3/19/2020. (llg) (Entered: 03/19/2020)
03/24/2020	<u>308</u>		RESPONSE to Motion re <u>284</u> MOTION for Extension of Time <i>to File Second Amended Complaint</i> filed by Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams. (Mansinghani, Mithun) (Entered: 03/24/2020)
03/25/2020	<u>309</u>		<b>ENTER ORDER Setting Hearing</b> on <u>284</u> Plaintiffs' Partially Unopposed MOTION for Extension of Time <i>to File Second Amended Complaint</i> : Motion Hearing set for 5/5/2020 01:30 PM in Courtroom 401 before Honorable Stephen P. Friot. Entered at the direction of Honorable Stephen P. Friot on 3/25/2020. (llg) (Entered: 03/25/2020)

03/26/2020	<u>310</u>		<b>(STRICKEN by 3/26/2020 Notice from the Court)</b> ENTRY of Appearance by Jennifer M Moreno on behalf of Richard E Glossip (Moreno, Jennifer) Modified on 3/26/2020 (llg). (Entered: 03/26/2020)
03/26/2020			<b>NOTICE from the Court</b> STRIKING <u>310</u> Entry of Appearance by Jennifer M Moreno on behalf of Richard E Glossip. It appears from the document that it was intended to be filed on behalf of all plaintiffs; however, it was filed only on behalf of plaintiff Richard E Glossip. Attorney Moreno is DIRECTED to refile the Entry of Appearance, selecting All Plaintiffs as opposed to just Mr. Glossip. (llg) (Entered: 03/26/2020)
03/26/2020	<u>311</u>		<b>(STRICKEN by 3/26/2020 Notice from the Court)</b> ENTRY of Appearance by Jennifer M Moreno on behalf of Richard E Glossip (Moreno, Jennifer) Modified on 3/26/2020 (llg). (Entered: 03/26/2020)
03/26/2020			<b>NOTICE from the Court</b> STRIKING <u>311</u> Entry of Appearance by Jennifer M Moreno on behalf of Richard E Glossip. Once again, it appears from the document that it was intended to be filed on behalf of all plaintiffs; however, it was ONCE AGAIN filed only on behalf of plaintiff Richard E Glossip. Attorney Moreno is DIRECTED to refile the Entry of Appearance, selecting All Plaintiffs as opposed to just Mr. Glossip. (llg) (Entered: 03/26/2020)
03/26/2020	<u>312</u>		<b>(STRICKEN by 3/26/2020 Notice from the Court)</b> ENTRY of Appearance by Jennifer M Moreno on behalf of Richard E Glossip (Moreno, Jennifer) Modified on 3/26/2020 (llg). (Entered: 03/26/2020)
03/26/2020			<b>NOTICE from the Court</b> STRIKING <u>312</u> Entry of Appearance by Jennifer M Moreno on behalf of Richard E Glossip. Once again, it appears from the document that it was intended to be filed on behalf of all plaintiffs; however, it was ONCE AGAIN filed only on behalf of plaintiff Richard E Glossip. If attorney Moreno intends to file the Entry of Appearance only on behalf of Mr. Glossip, the Entry of Appearance document should accurately reflect that. Attorney Moreno is DIRECTED to correctly refile the Entry of Appearance. (llg) (Entered: 03/26/2020)
03/26/2020	<u>313</u>		ENTRY of Appearance by Jennifer M Moreno on behalf of Richard E Glossip (Moreno, Jennifer) (Entered: 03/26/2020)
03/31/2020	<u>314</u>		REPLY to Response to Motion re <u>284</u> MOTION for Extension of Time to <i>File Second Amended Complaint</i> filed by All Plaintiffs. (Lieberman, Michael) (Entered: 03/31/2020)
04/02/2020	<u>315</u>		RESPONSE to Motion re <u>303</u> MOTION to Enforce <i>the Terms of the Court's Order Granting Joint Stipulation</i> filed by Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams. (Attachments: # <u>1</u> Exhibit 1 – 2016.07.14 Final Report, # <u>2</u> Exhibit 2 – Recipient List, # <u>3</u> Exhibit 3 – 2018.11.15 Interim Report)(Mansinghani, Mithun) (Entered: 04/02/2020)
04/09/2020	<u>316</u>		REPLY to Response to Motion re <u>303</u> MOTION to Enforce <i>the Terms of the Court's Order Granting Joint Stipulation</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 2–13–20 Press Conference Transcript, # <u>2</u> Exhibit 3–18–20 ltr to Mansinghani, # <u>3</u> Exhibit 3–24–20 Mansinghani email)(Lieberman, Michael) (Entered: 04/09/2020)

04/27/2020	<u>317</u>		ENTRY of Appearance by Alexander L Kursman on behalf of Phillip D Hancock (Kursman, Alexander) (Entered: 04/27/2020)
05/01/2020	<u>318</u>		NOTICE (other) by All Plaintiffs of <i>Telephonic Appearance for May 5, 2020 hearing</i> (Baich, Dale) (Entered: 05/01/2020)
05/05/2020	<u>319</u>		<b>Minute Order.</b> Proceedings held before Honorable Stephen P. Friot: Motion Hearing held on 5/5/2020. <u>284</u> Plaintiffs' Partially Unopposed MOTION for Extension of Time to <i>File Second Amended Complaint</i> is STRICKEN as moot. <u>303</u> Plaintiffs' MOTION to Enforce <i>the Terms of the Court's Order Granting Joint Stipulation</i> is DENIED. Dfts' supplementation of production of docs re the training program due 6/5/2020. Plfs' Second Amended Complaint due 7/6/2020. Dfts' response to Second Amended Complaint due within 21 days after the filing of the Second Amended Complaint. (Court Reporter Tracy Thompson.) (llg) (Entered: 05/05/2020)
05/06/2020	<u>320</u>		<b>MEMORANDUM.</b> Follows oral order of 5/5/2020. Signed by Honorable Stephen P. Friot on 5/6/2020. (llg) (Entered: 05/06/2020)
05/21/2020	<u>321</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5/5/20 before Judge Friot. Court Reporter: Tracy Thompson, Telephone number 405-314-5431. Transcript of: Motion hearing Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/11/2020. Redacted Transcript Deadline set for 6/22/2020. Release of Transcript Restriction set for 8/19/2020. (tw, ) (Entered: 05/21/2020)
06/05/2020	<u>322</u>		NOTICE (other) by Edward Evans, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, David Parker, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell, Greg Williams re <u>319</u> Order on Motion for Extension of Time to File, Order on Motion to Enforce, Motion Hearing,,,,,, <i>OF COMPLIANCE</i> (Mansinghani, Mithun) (Entered: 06/05/2020)
06/05/2020	<u>323</u>		MOTION to Withdraw as Attorney ( <i>Randy A. Bauman</i> ) by All Plaintiffs. (Lieberman, Michael) (Entered: 06/05/2020)
06/08/2020	<u>324</u>		<b>ORDER</b> granting <u>323</u> Motion to Withdraw as Attorney. Attorney Randy A Bauman withdrawn as counsel of record. Signed by Honorable Stephen P. Friot on 6/8/2020. (llg) (Entered: 06/08/2020)
07/06/2020	<u>325</u>		AMENDED COMPLAINT ( <i>THIRD</i> ) against John Doe Executioners #1-10, Scott Crow, Randy Chandler, Betty Gesell, Joseph Griffin, F. Lynn Haueter, Kathryn LaFortune, Stephan Moore, Calvin Prince, T. Hastings Siegfried, Darryl Woodard, Tommy Sharp, Aboutanaa El Habti, Justin Farris, Michael Carpenter, Justin Giudice filed by All Plaintiffs.(Lieberman, Michael) (Entered: 07/06/2020)
07/06/2020	<u>326</u>		AMENDED COMPLAINT against All Defendants filed by Wade Lay. (Attachments: # <u>1</u> Attachment 1 – Legal Arguments, # <u>2</u> Exhibit 1 – A: Letter from Counsel, # <u>3</u> Exhibit 2 – B: Letter to U.S. Attorney Exh. 977-B, # <u>4</u> Envelope)(ank) (Entered: 07/07/2020)
07/20/2020			



		<p><b>IMPORTANT NOTICE:</b> The United States District Court for the Western District of Oklahoma (OKWD) is upgrading its current CM/ECF system to the Next Generation of CM/ECF (NextGen CM/ECF) on Monday, August 3, 2020. Complete information regarding the OKWD NextGen CM/ECF implementation is available at <a href="http://www.okwd.uscourts.gov/nextgen-information">http://www.okwd.uscourts.gov/nextgen-information</a>. ****Currently, you may share a single PACER account with other attorneys in your firm. With the new OKWD NextGen CM/ECF system, sharing of individual PACER accounts is prohibited. You must have an individual upgraded PACER account linked to your e-filing account. Once again, shared PACER accounts cannot be used by OKWD e-filing attorneys. ****Preparing for NextGen CM/ECF is a two-step process. Step one is to upgrade your PACER account and step two is to link your upgraded PACER account to the OKWD e-filing account in the upgraded NextGen CM/ECF system. This notice only addresses the first step because the second step cannot be completed until on or after August 3, 2020. ****Many PACER accounts have already been upgraded. The first step is to determine whether you have an "Upgraded" PACER account. If any of the following is true, you have an upgraded PACER account and no action is required until after the OKWD NextGen CM/ECF upgrade on August 3, 2020: 1) You have an upgraded PACER account for another NextGen court or 2) Your PACER account was created after August 10, 2014. If neither of these is true, you must upgrade your legacy PACER account before you can link your PACER account to your new NextGen CM/ECF account. ****OKWDs current CM/ECF system will NOT be available from 11:00 AM on 07/31/20 until 8:00 AM on 08/03/20 due to the upgrade. ****Additional notices will be sent at a later date regarding the second step of this process. If you have questions, please contact the PACER Service Center at 800-676-6856 or the OKWD Clerk's Office CM/ECF Help Desk at 405-609-5555. (Pigott, William) (ADI) (Entered: 07/20/2020)</p>
07/21/2020	<u>327</u>	NOTICE (other) by Wade Lay <i>Notice of Withdrawal as Counsel for Plaintiff Wade Lay</i> (Lieberman, Michael) (Entered: 07/21/2020)
07/27/2020	<u>328</u>	ENTRY of Appearance by Mithun S Mansinghani on behalf of Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice (Mansinghani, Mithun) (Entered: 07/27/2020)
07/27/2020	<u>329</u>	ENTRY of Appearance by Randall J Yates on behalf of Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice (Yates, Randall) (Entered: 07/27/2020)
07/27/2020	<u>330</u>	ENTRY of Appearance by Zachary P West on behalf of Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice (West, Zachary) (Entered: 07/27/2020)
07/27/2020	<u>331</u>	ENTRY of Appearance by Bryan G Cleveland on behalf of Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice (Cleveland, Bryan) (Entered: 07/27/2020)
07/27/2020	<u>332</u>	ENTRY of Appearance by Andy N Ferguson on behalf of Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice (Ferguson, Andy) (Entered: 07/27/2020)
07/27/2020	<u>333</u>	

			MOTION to Dismiss <i>and Brief in Support</i> by Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell. (Mansinghani, Mithun) (Entered: 07/27/2020)
07/27/2020	<u>334</u>		MOTION to Strike <u>326</u> Amended Complaint <i>or Dismiss pro se complaint and brief in support</i> by Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell. (Mansinghani, Mithun) (Entered: 07/27/2020)
07/27/2020	<u>335</u>		ANSWER to <u>325</u> Amended Complaint, by Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell.(Mansinghani, Mithun) (Entered: 07/27/2020)
07/27/2020	<u>336</u>		ANSWER to <u>326</u> Amended Complaint by Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell.(Mansinghani, Mithun) (Entered: 07/27/2020)
07/28/2020	<u>337</u>		<b>ORDER FOR SCHEDULING CONFERENCE.</b> Telephonic Scheduling Conference set for 8/10/2020 10:00 AM before Honorable Stephen P. Friot (as fully set out in this order). Signed by Honorable Stephen P. Friot on 7/28/2020. (Attachment: # <u>1</u> Exhibit 1 – List of events)(llg) (Entered: 07/28/2020)
07/28/2020	<u>338</u>		<b>ORDER</b> re <u>328</u> Entry of Appearance, <u>329</u> Entry of Appearance, <u>330</u> Entry of Appearance, <u>331</u> Entry of Appearance, <u>332</u> Entry of Appearance, <u>333</u> MOTION to Dismiss <i>and Brief in Support</i> , <u>335</u> Answer to Amended Complaint. The referenced documents do not include a certificate of service showing service of a paper copy on pro se plf Wade Lay, as required by the local rules and the ECF policies of this court. Defense counsel are REQUIRED to serve these filings on Mr. Lay. They are further required to file, by 7/30/2020, the required certificate of service, evidencing such service on Mr. Lay. All counsel are advised that the obligation to attach a certificate of service to electronically filed documents which shows service of a paper copy on Mr. Lay pertains not only to the filings addressed in this order but also to future filings, so long as Mr. Lay remains in this action as a pro se plf who is not a registered participant in the ECF system. Failure to include the required certificate of service may be grounds to strike future filings. Signed by Honorable Stephen P. Friot on 7/28/2020. (llg) (Entered: 07/28/2020)
07/29/2020	<u>339</u>		CERTIFICATE OF SERVICE by Defendants Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell re <u>328</u> Entry of Appearance, <u>335</u> Answer to Amended Complaint, <u>329</u> Entry of Appearance, <u>333</u> MOTION to Dismiss <i>and Brief in Support</i> , <u>330</u> Entry of Appearance, <u>332</u> Entry of Appearance, <u>331</u> Entry of Appearance (Mansinghani, Mithun) (Entered: 07/29/2020)

08/10/2020	<u>340</u>		<b>Minute Entry</b> for proceedings held before Honorable Stephen P. Friot: Scheduling Conference held on 8/10/2020 (as fully set out on the minute sheet). (llg) (Main Document 340 replaced on 8/11/2020) (llg). (Entered: 08/10/2020)
08/14/2020	<u>341</u>		<b>SCHEDULING ORDER</b> (as fully set out in the order). Bench Trial set for 5/3/2021 09:00 AM in Courtroom 401 before Honorable Stephen P. Friot. Signed by Honorable Stephen P. Friot on 8/14/2020. (llg) (Entered: 08/14/2020)
08/14/2020	<u>342</u>		MOTION for Injunctive Relief by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 08/17/2020)
08/17/2020	<u>343</u>		RESPONSE in Opposition re <u>333</u> MOTION to Dismiss <i>and Brief in Support</i> filed by All Plaintiffs. (Lieberman, Michael) (Entered: 08/17/2020)
08/19/2020	<u>344</u>		MOTION for Leave to Respond to the Claim of the Oklahoma Attorney General document <u>334</u> <u>335</u> <u>336</u> by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 08/20/2020)
08/24/2020	<u>345</u>		REPLY to Response to Motion re <u>333</u> MOTION to Dismiss <i>and Brief in Support</i> filed by Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell. (Mansinghani, Mithun) (Entered: 08/24/2020)
09/02/2020	<u>346</u>		<b>ORDER</b> granting in part and denying in part <u>344</u> "In re: To Inform the U.S.D.C. W.D./OK. Plaintiffs Motion for Leave to Respond to the Claims of the Okla. Attorney General Document Nos. 334–336 filed on 07/22/2020" filed by Wade Lay (as fully set out in this order). Signed by Honorable Stephen P. Friot on 9/2/2020. (llg) (Entered: 09/02/2020)
09/03/2020	<u>347</u>		MOTION for Extension of Time to File Response/Reply as to <u>342</u> MOTION for Permanent Injunction by Michael Carpenter, Aboutanaa El Habti, Justin Farris, Justin Giudice, Kevin J Gross, Gene Haynes, Frazier Henke, John T Holder, Irma J Newburn, Robert C Patton, Michael W Roach, James M Tilly, Anita K Trammell. (Mansinghani, Mithun) (Entered: 09/03/2020)
09/03/2020	<u>348</u>		<b>ORDER</b> granting <u>347</u> Motion for Extension of Time to Respond to <u>342</u> Plaintiff Wade Lay's Motion for a Preliminary Injunction. Response due within 14 days of the court's ruling on <u>334</u> Motion to Strike or Dismiss, with no response required if the court's ruling moots the Motion for Injunctive Relief. Signed by Honorable Stephen P. Friot on 9/3/2020. (llg) (Entered: 09/03/2020)
09/15/2020	<u>349</u>		<b>ORDER</b> granting <u>333</u> Defendants' Partial Motion to Dismiss. Counts I, III and VIII are DISMISSED under Rule 12(b)(6). Edward Evans, David Parker and Greg Williams, all of whom were previously named as defendants in their official capacities, are likewise DISMISSED under Rule 12(b)(6). All dismissals are with prejudice, and without leave to amend. Signed by Honorable Stephen P. Friot on 9/15/2020. (llg) (Entered: 09/15/2020)
09/15/2020	<u>350</u>		<b>SUPPLEMENTAL SCHEDULING ORDER</b> , supplementing <u>341</u> 8/14/2020 Scheduling Order. Any motions challenging the admissibility of proposed expert testimony under Daubert or Rule 702 due 2/26/2021 (as fully set out in



			this order). Signed by Honorable Stephen P. Friot on 9/15/2020. (llg) (Entered: 09/15/2020)
09/18/2020	<u>351</u>		UNOPPOSED MOTION to Withdraw as Attorney by Brenda E Andrew, Richard E Glossip, Phillip D Hancock, Shelton D Jackson. (Henricksen, Mark) (Entered: 09/18/2020)
09/18/2020	<u>352</u>		<b>ORDER</b> granting <u>351</u> Unopposed Motion to Withdraw as Counsel. Attorneys Mark L Henricksen and Lanita Henricksen withdrawn as counsel of record for plfs Richard Glossip, Brenda Andrew, Philip Hancock and Shelton Jackson. Signed by Honorable Stephen P. Friot on 9/18/2020. (llg) (Entered: 09/18/2020)
09/18/2020	<u>353</u>		LETTER from Wade Lay (Attachments: # <u>1</u> Envelope) (dtb) <b>Modified on 9/21/2020 to correct name of filer.</b> (llg). (Entered: 09/18/2020)
09/18/2020	<u>354</u>		RESPONSE to Motion re <u>334</u> MOTION to Strike or Dismiss Pro Se Complaint <i>and Brief in Support</i> , ADDENDUM to <u>342</u> MOTION for Injunctive Relief filed by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) Modified on 9/21/2020 (llg). (Entered: 09/18/2020)
09/21/2020	<u>355</u>		LETTER from Wade Lay (Attachments: # <u>1</u> Envelope) (dtb) (Entered: 09/22/2020)
09/21/2020	<u>356</u>		SUPPLEMENT re <u>354</u> Response to Motion by Wade Lay titled, "Addendum to Plaintiff's Response to Inform The Court of Illicit Measures By Oklahoma State Penitentiary to Suppress Plaintiff's Rights". (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 09/22/2020)
10/01/2020	<u>357</u>		<b>ORDER</b> granting <u>334</u> Defendants' Motion to Strike or Dismiss Pro Se Complaint. <u>326</u> Wade Lay's Pro Se Amended Complaint is stricken. <u>342</u> Wade Lay's Motion for Injunctive Relief is also stricken. Wade Lay remains a pro se plaintiff in this action. Signed by Honorable Stephen P. Friot on 10/1/2020. (llg) (Entered: 10/01/2020)
10/29/2020	<u>358</u>		ENTRY of Appearance by Lynne Kolodinsky on behalf of Phillip D Hancock (Kolodinsky, Lynne) (Entered: 10/29/2020)
10/30/2020	<u>359</u>		MOTION for Leave to Appear Pro Hac Vice <i>of Pilar R. Stillwater</i> by All Plaintiffs. (Attachments: # <u>1</u> Request for Admission Pro Hac Vice)(Lieberman, Michael) (Entered: 10/30/2020)
10/30/2020	<u>360</u>		MOTION for Leave to Appear Pro Hac Vice <i>of Adam J. Singer</i> by All Plaintiffs. (Attachments: # <u>1</u> Attachment Request for Admission Pro Hac Vice)(Lieberman, Michael) (Entered: 10/30/2020)
10/30/2020	<u>361</u>		MOTION to Compel <i>Production of Documents and Brief in Support</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Plaintiffs' Request for Production, # <u>2</u> Exhibit 2 – Defendant's Response to Plaintiff's 1st Discovery, # <u>3</u> Exhibit 3 – Email Communications, # <u>4</u> Exhibit 4 – Privilege Log)(Lieberman, Michael) (Entered: 10/30/2020)
10/30/2020	<u>362</u>		Receipt for Money Received in the amount of \$50.00, receipt number OKW500082555 regarding <u>360</u> MOTION for Leave to Appear Pro Hac Vice <i>of Adam J. Singer</i> (kah) (Entered: 10/30/2020)

10/30/2020	<u>363</u>		Receipt for Money Received in the amount of \$50.00, receipt number OKW500082556 regarding <u>359</u> MOTION for Leave to Appear Pro Hac Vice of Pilar R. Stillwater (kah) (Entered: 10/30/2020)
11/02/2020	<u>364</u>		<b>ORDER</b> granting <u>359</u> Motion to Appear Pro Hac Vice of Pilar R. Stillwater, granting <u>360</u> Motion to Appear Pro Hac Vice of Adam J. Singer, provided that Ms. Stillwater and Mr. Singer submit ECF registration forms and file entries of appearance, consistent with LCvR83.4. Signed by Honorable Stephen P. Friot on 11/2/2020. (llg) (Entered: 11/02/2020)
11/04/2020	<u>365</u>		ENTRY of Appearance by Pilar R. Stillwater on behalf of All Plaintiffs except Wade Lay (Stillwater, Pilar) Modified on 11/25/2020 (llg). (Entered: 11/04/2020)
11/05/2020	<u>366</u>		ENTRY of Appearance by Adam Singer on behalf of All Plaintiffs except Wade Lay (Singer, Adam) Modified on 11/25/2020 (llg). (Entered: 11/05/2020)
11/05/2020	<u>367</u>		ENTRY of Appearance by Charles A Dickson, III on behalf of Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard (Dickson, Charles) (Entered: 11/05/2020)
11/17/2020	<u>368</u>		MOTION to Withdraw as Attorney ( <i>Patti P. Ghezzi</i> ) by All Plaintiffs. (Lieberman, Michael) (Entered: 11/17/2020)
11/17/2020	<u>369</u>		<b>ORDER</b> granting <u>368</u> Motion to Allow Withdrawal of Counsel. Attorney Patti P Ghezzi withdrawn as counsel of record. Signed by Honorable Stephen P. Friot on 11/17/2020. (llg) (Entered: 11/17/2020)
11/20/2020	<u>370</u>		RESPONSE in Opposition re <u>361</u> MOTION to Compel <i>Production of Documents and Brief in Support</i> filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit A – Crow Decl, # <u>2</u> Exhibit B – DPP Docs, # <u>3</u> Exhibit C – Example Memo, # <u>4</u> Exhibit D – Resp to RFP 11.3.2014)(Mansinghani, Mithun) (Entered: 11/20/2020)
11/20/2020			<b>NOTICE from the Court</b> re <u>370</u> Defendants' Response in Opposition to Plaintiffs' Motion to Compel. Counsel for defendants is DIRECTED, in future filings, to comply with the court's ECF Policies & Procedures Manual, Section II.A.4.a. – "... Do not use alphabetical or alpha-numeric designations for exhibits...." Failure to comply in the future may result in filings being stricken. (llg) (Entered: 11/20/2020)
11/25/2020	<u>371</u>		MOTION for Order by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 11/25/2020)
11/25/2020	<u>372</u>		MOTION for Leave by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 11/25/2020)
11/27/2020	<u>373</u>		REPLY to Response to Motion re <u>361</u> MOTION to Compel <i>Production of Documents and Brief in Support</i> filed by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos

		Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Lieberman, Michael) (Entered: 11/27/2020)
12/02/2020	<u>374</u>	<b>ORDER</b> granting in part and denying in part <u>371</u> Motion by Wade Lay; granting in part and denying in part <u>372</u> Motion by Wade Lay. The motions are GRANTED to the following, limited extent. The court notes its prior order requiring counsel to serve Mr. Lay with a paper copy of all electronically filed documents and requiring counsel to include a certificate of service to that effect. Given that order, which reflects the court's understanding that Mr. Lay will receive copies of documents filed in this action, the court is confident that the authorities in charge of Mr. Lay's mail will ensure that mail relating to this action is delivered to him as promptly as is reasonable. The clerk is DIRECTED to provide Mr. Lay with three copies of this order to show to institutional authorities, should the need arise. In all other respects Mr. Lay's motions are DENIED. Signed by Honorable Stephen P. Friot on 12/2/2020. (llg) (Entered: 12/02/2020)
12/02/2020	<u>375</u>	<b>ORDER</b> regarding <u>361</u> Plaintiffs' Motion to Compel Production of Documents. This order concerns the 24 documents being withheld by dfts based on their assertion of the deliberative privilege. Dfts are DIRECTED to deliver these documents to the courtroom deputy assigned to Judge Friot not later than 10:00 AM on 12/7/2020, for in camera review by the court. Signed by Honorable Stephen P. Friot on 12/2/2020. (llg) (Entered: 12/02/2020)
12/07/2020	<u>376</u>	<b>ORDER</b> granting in part and denying in part <u>361</u> Plaintiffs' Motion to Compel Production of Documents. Signed by Honorable Stephen P. Friot on 12/7/2020. (llg) (Entered: 12/07/2020)
12/07/2020	<u>377</u>	MOTION to Compel <i>Defendants to Produce Fact Witnesses for Deposition</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Attachments: # <u>1</u> Exhibit 1 – J. Bentley Notice of Deposition, # <u>2</u> Exhibit 2 – John Doe Notice of Deposition [redacted], # <u>3</u> Exhibit 3 – 2020–11–16 email (objection), # <u>4</u> Exhibit 4 – 2020–11–19 email (objection), # <u>5</u> Exhibit 5 – 2020–12–01 email, # <u>6</u> Exhibit 6 – 2020–11–12 Crow Depo Excerpt, # <u>7</u> Exhibit 7 – 2020–11–17 Crow Depo Excerpt, # <u>8</u> Exhibit 8 – 2020–11–16 Carpenter Depo Excerpt, # <u>9</u> Exhibit 9 – 2020–10–08 Notice of Depo Subpoena, # <u>10</u> Exhibit 10 – 2014–11–13 Contempt Discovery hrg Excerpt)(Lieberman, Michael)

		(Entered: 12/07/2020)
12/08/2020	<u>378</u>	<b>ORDER Setting Hearing</b> on <u>377</u> Plaintiffs' MOTION to Compel <i>Defendants to Produce Fact Witnesses for Deposition</i> : Motion Hearing set for 12/18/2020 04:00 PM in Courtroom 401 before Honorable Stephen P. Friot. Response due by noon on 12/16/2020. (All as fully set out in this order.) Signed by Honorable Stephen P. Friot on 12/8/2020. (llg) (Entered: 12/08/2020)
12/08/2020	<u>379</u>	<b>ORDER</b> requiring production of portions of documents re <u>361</u> MOTION to Compel <i>Production of Documents and Brief in Support</i> , re <u>376</u> Order on Motion to Compel. Signed by Honorable Stephen P. Friot on 12/8/2020. (llg) (Entered: 12/08/2020)
12/14/2020	<u>380</u>	<b>AMENDED ORDER Setting Hearing</b> on <u>377</u> Plaintiffs' MOTION to Compel Defendants to Produce Fact Witnesses for Deposition: Motion Hearing set for 12/18/2020 03:00 PM in Courtroom 401 before Honorable Stephen P. Friot. Response due by noon on 12/16/2020. (All as fully set out in this order.) Signed by Honorable Stephen P. Friot on 12/14/2020. (llg) (Entered: 12/14/2020)
12/16/2020	<u>381</u>	RESPONSE in Opposition re <u>377</u> MOTION to Compel <i>Defendants to Produce Fact Witnesses for Deposition</i> filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Harvanek Subpoena, # <u>2</u> Exhibit 2 – DOC Subpoena, # <u>3</u> Exhibit 3 – Oct 8 Email, # <u>4</u> Exhibit 4 – Oct 22 Email, # <u>5</u> Exhibit 5 – Crow Personal Depo Excerpt at 95–99, # <u>6</u> Exhibit 6 – Sharp Depo Excerpt at 182–191, # <u>7</u> Exhibit 7 – Jim Farris Depo Excerpt at 204–207)(Mansinghani, Mithun) (Entered: 12/16/2020)
12/18/2020	<u>382</u>	Minute Order. Proceedings held before Honorable Stephen P. Friot: Motion Hearing held on 12/18/2020. The court grants <u>377</u> Plaintiffs' MOTION to Compel <i>Defendants to Produce Fact Witnesses for Deposition</i> (as fully set out on the minute sheet and the record). (Court Reporter Tracy Thompson.) (llg) (Entered: 12/18/2020)
12/30/2020	<u>383</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on December 18, 2020 before Judge Friot. Court Reporter: Tracy Thompson, Telephone number 405–314–5431. Transcript of: Motion to Compel Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/20/2021. Redacted Transcript Deadline set for 2/1/2021. Release of Transcript Restriction set for 3/30/2021. (tw, ) (Entered: 12/30/2020)
02/17/2021	<u>384</u>	MOTION for Leave to File Excess Pages by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 02/17/2021)
02/17/2021	<u>385</u>	<b>ORDER</b> granting <u>384</u> Defendants' Motion for Leave to File Oversized Briefs in Support of Motion for Summary Judgment. The parties are granted leave to

		file oversized briefs in support of summary judgment, not to exceed 45 pages. Signed by Honorable Stephen P. Friot on 2/17/2021. (llg) (Entered: 02/17/2021)
02/17/2021	<u>386</u>	RESPONSE to Motion re <u>384</u> MOTION for Leave to File Excess Pages <i>and Cross-Motion</i> filed by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Tremane Wood. (Lieberman, Michael) (Entered: 02/17/2021)
02/17/2021	<u>387</u>	<b>ORDER</b> granting <u>386</u> Responding Plaintiffs' Cross-Motion to Defendants' Motion to File an Oversized Summary Judgment Brief (as fully set out in this order). Signed by Honorable Stephen P. Friot on 2/17/2021. (llg) (Entered: 02/17/2021)
02/19/2021	<u>388</u>	MOTION for Summary Judgment by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Protocol OP-040301, # <u>2</u> Exhibit 2 – Crow Depo 30b6 Tran_Excerpts, # <u>3</u> Exhibit 3 – Buffington Report, # <u>4</u> Exhibit 4 – Stevens Report 2021, # <u>5</u> Exhibit 5 – Weinberger Report, # <u>6</u> Exhibit 6 – Stevens Depo Tran_Excerpts, # <u>7</u> Exhibit 7 – Antognini Report, # <u>8</u> Exhibit 8 – Yen Report, # <u>9</u> Exhibit 9 – Weinberger Depo Tran_Excerpts, # <u>10</u> Exhibit 10 – Antognini Depo Tran_Excerpts, # <u>11</u> Exhibit 11 – Declaration of Pat Doe, # <u>12</u> Exhibit 12 – Warner Autopsy, # <u>13</u> Exhibit 13 – Fins Depo Tran_Excerpt, # <u>14</u> Exhibit 14 – Ohio Stevens Report, # <u>15</u> Exhibit 15 – Edgar Depo Tran, # <u>16</u> Exhibit 16 – Edgar Report, # <u>17</u> Exhibit 17 – Block Report, # <u>18</u> Exhibit 18 – MCGJ-Interim-Report-5-19-16, # <u>19</u> Exhibit 19 – Crow Depo Indiv Tran_Excerpts, # <u>20</u> Exhibit 20 – Bentley Depo Tran, # <u>21</u> Exhibit 21 – Arizona Report, # <u>22</u> Exhibit 22 – Ohio Report, # <u>23</u> Exhibit 23 – Williams Report, # <u>24</u> Exhibit 24 – Williams Depo Tran, # <u>25</u> Exhibit 25 – Utah Protocol, # <u>26</u> Exhibit 26 – Pls' Interrogatory Response, # <u>27</u> Exhibit 27 – Sherman Report, # <u>28</u> Exhibit 28 – Sherman Depo Tran_Excerpt, # <u>29</u> Exhibit 29 – Ruling on PI Hrg)(Mansinghani, Mithun) (Entered: 02/19/2021)
02/19/2021	<u>389</u>	APPENDIX re <u>388</u> MOTION for Summary Judgment by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – ASA 2019, # <u>2</u> Exhibit 2 – Brown 2019, # <u>3</u> Exhibit 3 – Hospira 2020 Midazolam PI – 2020, # <u>4</u> Exhibit 4 – Baselt Midazolam 2011, # <u>5</u> Exhibit 5 – Vuyk 2019, # <u>6</u> Exhibit 6 – Reves-1985-MDZ-uses, # <u>7</u> Exhibit 7 – White-RSI-MDZ-1982, # <u>8</u> Exhibit 8 – Michaloudis 1996, # <u>9</u> Exhibit 9 – Ibrahim, # <u>10</u> Exhibit 10 – Kang, # <u>11</u> Exhibit 11 – Blackmon, # <u>12</u> Exhibit 12 – Reves-1978, # <u>13</u>



		Exhibit 13 – Glass-et-al-1997, # <u>14</u> Exhibit 14 – Kuizenga-2001, # <u>15</u> Exhibit 15 – Miyake-2010, # <u>16</u> Exhibit 16 – Rafee 2017, # <u>17</u> Exhibit 17 – Gehrke, # <u>18</u> Exhibit 18 – Liu 1996, # <u>19</u> Exhibit 19 – Bulach 2005, # <u>20</u> Exhibit 20 – Eisenried-2020-remimazolam, # <u>21</u> Exhibit 21 – Eisenried-2020-remimazolam (Supp), # <u>22</u> Exhibit 22 – Schuttler, # <u>23</u> Exhibit 23 – Melvin, # <u>24</u> Exhibit 24 – Turgut-2006, # <u>25</u> Exhibit 25 – Song-2011, # <u>26</u> Exhibit 26 – Manning-NGT-MDZ-2016, # <u>27</u> Exhibit 27 – Ellison-1958, # <u>28</u> Exhibit 28 – Heier-2001, # <u>29</u> Exhibit 29 — Lankton)(Mansinghani, Mithun) (Entered: 02/19/2021)
03/18/2021	<u>390</u>	MOTION for Order titled, Motion for Discovery Under FED. R. CIV. P 56(d) with Brief in Support in Response to Defendant's Motion for Summary Judgement by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 03/18/2021)
03/19/2021	<u>391</u>	Exhibit List / Witness List by Defendants Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 03/19/2021)
03/19/2021	<u>392</u>	<b>(STRICKEN by 401 4/2/2021 Order)</b> RESPONSE in Opposition re <u>388</u> MOTION for Summary Judgment filed by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Attachments: # <u>1</u> Exhibit 1 – Edgar Dep. Tr. Excerpts, # <u>2</u> Exhibit 2 – Antognini Dep. Tr. Excerpts, # <u>3</u> Exhibit 3 – Buffington Dep. Tr. Excerpts, # <u>4</u> Exhibit 4 – Shenandoah U. letter (11-20-18) Re: Buffington, # <u>5</u> Exhibit 5 – Weinberger Dep. Tr. Excerpts, # <u>6</u> Exhibit 6 – Yen Dep. Tr. Excerpts, # <u>7</u> Exhibit 7 – Miyake Study, # <u>8</u> Exhibit 8 – Wilkinson Report, # <u>9</u> Exhibit 9 – Filed under seal pursuant to [Doc. 90], # <u>10</u> Exhibit 10 – Filed under seal pursuant to [Doc. 90], # <u>11</u> Exhibit 11 – Williams Dep. Tr. Excerpts, # <u>12</u> Exhibit 12 – BuzzFeed News (11-28-18) Article, # <u>13</u> Exhibit 13 – Ltr. from Az. AG Brnovich to Gov. Ducey (8-20-20), # <u>14</u> Exhibit 14 – Expert Report of Joseph J. Fins, M.D.)(Lieberman, Michael) Modified on 6/7/2021 (llg). (Entered: 03/19/2021)
03/19/2021	<u>393</u>	<b>(STRICKEN by 401 4/2/2021 Order)</b> SEALED EXHIBIT by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony

		Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood Re: <u>392</u> Response in Opposition to Motion,,,,, (Lieberman, Michael) Modified on 6/7/2021 (llg). (Entered: 03/19/2021)
03/19/2021	<u>394</u>	<b>(STRICKEN by 401 4/2/2021 Order)</b> SEALED EXHIBIT by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood Re: <u>392</u> Response in Opposition to Motion,,,,, (Lieberman, Michael) Modified on 6/7/2021 (llg). (Entered: 03/19/2021)
03/19/2021	<u>395</u>	Exhibit List / Witness List by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Lieberman, Michael) (Entered: 03/19/2021)
03/23/2021	<u>396</u>	<b>ORDER.</b> Dfts are DIRECTED to file a notice with the court within 10 days of the date of this order indicating what, if any, provisions can reasonably be made to facilitate the participation of pro se plf Wade Lay in the trial of this action by video teleconference. Signed by Honorable Stephen P. Friot on 3/23/2021. (llg) (Entered: 03/23/2021)
03/26/2021	<u>397</u>	REPLY to Response to Motion re <u>388</u> MOTION for Summary Judgment filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Crow 30b6 Depo Excerpts, # <u>2</u> Exhibit 2 – Crow Indiv. Depo Excerpts, # <u>3</u> Exhibit 3 – Wilkinson Depo Excerpts, # <u>4</u> Exhibit 4 – Fins Depo Excerpts)(Mansinghani, Mithun) (Entered: 03/26/2021)
03/29/2021	<u>398</u>	MOTION for Extension of Time by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 03/30/2021)
03/31/2021	<u>399</u>	<b>ORDER</b> denying <u>390</u> Motion by Wade Lay; denying <u>398</u> Motion by Wade Lay. Signed by Honorable Stephen P. Friot on 3/31/2021. (llg) ( <b>Main Document 399 replaced on 4/1/2021 to correct the date at the end of the document</b> ) (llg). (Entered: 03/31/2021)

04/01/2021	<u>400</u>		MOTION for Order titled, " Motion to Attend Trial in Person Physically Pursuant to The Procedures of Equality and Fairness Necessary to Attain Adequate Representation" by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 04/01/2021)
04/02/2021	<u>401</u>		<b>ORDER</b> STRIKING <u>392</u> Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment as well as related filings <u>393</u> and <u>394</u> . The ddls, beginning with the 4/9/2021 ddl for trial briefs, and proposed findings of fact and conclusions of law, as set out in <u>341</u> 8/14/2020 Scheduling Order, are VACATED. Plfs are DIRECTED to provide complete, responsive, verified answers to Interrogatory Nos. 15 and 16 by 5/3/2021. Plfs' new response to <u>388</u> Defendants' Motion for Summary Judgment due 5/10/2021. Dfts' reply in support of motion for summary judgment due 5/24/2021. (All as fully set out in this order.) Signed by Honorable Stephen P. Friot on 4/2/2021. (llg) Modified on 4/5/2021 (llg). (Entered: 04/02/2021)
04/02/2021	<u>402</u>		NOTICE (other) by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard re <u>396</u> Order, (Mansinghani, Mithun) (Entered: 04/02/2021)
04/09/2021	<u>403</u>		MOTION for Protective Order by Wade Lay. (Attachments: # <u>1</u> Attachment 1– Inmate Request to Staff, # <u>2</u> Attachment 2– Inmate Request, # <u>3</u> Envelope)(dtb) (Entered: 04/09/2021)
04/09/2021	<u>404</u>		MOTION for Reconsideration by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 04/09/2021)
04/13/2021	<u>405</u>		<b>ORDER</b> denying <u>403</u> Motion for Protective Order by Wade Lay; denying <u>404</u> Motion for Reconsideration by Wade Lay. Signed by Honorable Stephen P. Friot on 4/13/2021. (llg) (Entered: 04/13/2021)
04/13/2021	<u>406</u>		SUGGESTION OF DEATH Upon the Record as to Nicholas A. Davis by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Lieberman, Michael) (Entered: 04/13/2021)
04/14/2021	<u>407</u>		SUPPLEMENT <u>403</u> MOTION for Protective Order by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 04/15/2021)
04/23/2021	<u>408</u>		MOTION for Order by Wade Lay. (Attachments: # <u>1</u> Exhibit 1– Request to Staff, # <u>2</u> Exhibit 2– Correspondence, # <u>3</u> Exhibit 3– Inmate Request, # <u>4</u> Exhibit 4– Letter, # <u>5</u> Exhibit 5– Request for Health Services, # <u>6</u> Envelope)(dtb) (Entered: 04/26/2021)
04/23/2021	<u>409</u>		



		MOTION for Order titled, "Motion for Disclosure" by Wade Lay. (Attachments: # <u>1</u> Attachment 1– Disclosure List, # <u>2</u> Envelope)(dtb) (Entered: 04/26/2021)
04/23/2021	<u>410</u>	Witness List by Plaintiff Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 04/26/2021)
04/23/2021	<u>412</u>	LETTER from Wade Lay (Attachments: # <u>1</u> Envelope) (dtb) (Entered: 04/26/2021)
04/23/2021	<u>413</u>	NOTICE OF APPEAL as to <u>399</u> Order on Motion for Order,,, by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 04/26/2021)
04/26/2021	<u>411</u>	<b>ORDER</b> denying <u>400</u> "Plaintiff (Wade Lay) Motion to Attend Trial in Person Physically Pursuant to the Principles of Equality and Fairness Necessary to Attain Adequate Representation." Signed by Honorable Stephen P. Friot on 4/26/2021. (llg) (Entered: 04/26/2021)
04/27/2021	<u>414</u>	LETTER from Deputy Clerk Lori Gray to Clerk, Supreme Court of the United States, enclosing <u>413</u> Notice of Appeal by Wade Lay. (llg) (Entered: 04/27/2021)
04/28/2021	<u>415</u>	<b>ORDER.</b> The ddls for response briefs to pending or future motions filed by plf Wade Lay, who appears pro se, are SUSPENDED. The court will establish a new briefing schedule if and when further briefing is permitted. Signed by Honorable Stephen P. Friot on 4/28/2021. (llg) (Entered: 04/28/2021)
05/05/2021	<u>416</u>	UNOPPOSED MOTION for Leave to File Excess Pages by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Lieberman, Michael) (Entered: 05/05/2021)
05/05/2021	<u>417</u>	<b>ORDER</b> granting <u>416</u> Plaintiffs' Unopposed Motion for Leave to File Oversized Opposition to Defendants' Motion for Summary Judgment. Plfs are granted leave to file a brief not to exceed 55 pgs in opposition to dfts' summary judgment mtn. Dfts are granted leave to file a reply in response to plfs' opposition not to exceed 15 pgs. Signed by Honorable Stephen P. Friot on 5/5/2021. (llg) (Entered: 05/05/2021)
05/06/2021	<u>418</u>	MOTION for Leave to file <i>Supplemental Brief</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habeti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Instructions for Scheduling Visits, # <u>2</u> Exhibit 2 – Correspondence re Meetings with Plaintiffs, # <u>3</u> Exhibit 3 – Death Row Attorney Visits 4.26.21, # <u>4</u> Exhibit 4 – Correspondence re Calls 05.03.21, # <u>5</u> Exhibit 5 – Grant Refusal, # <u>6</u> Exhibit 6 – 2021–05–03 Glossip et al _Enc Suppl Interrogatories ltr to SG)(Mansinghani, Mithun) (Entered: 05/06/2021)

05/07/2021	<u>419</u>		<b>ENTER ORDER</b> striking <u>418</u> Defendants' Motion for Leave to File Supplemental Brief. Entered at the direction of Honorable Stephen P. Friot on 5/7/2021. (llg) (Entered: 05/07/2021)
05/07/2021	<u>420</u>		MOTION for Leave to file <i>Supplemental Brief</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Instructions for Scheduling Visits, # <u>2</u> Exhibit 2 – Correspondence re Meetings with Plaintiffs, # <u>3</u> Exhibit 3 – Death Row Attorney Visits 4.26.21, # <u>4</u> Exhibit 4 – Correspondence re Calls 05.03.21, # <u>5</u> Exhibit 5 – Grant Refusal, # <u>6</u> Exhibit 6 – 2021–05–03 Glossip et al _Enc Suppl Interrogatories ltr to SG)(Mansinghani, Mithun) (Entered: 05/07/2021)
05/07/2021	<u>421</u>		<b>ORDER</b> granting <u>420</u> Defendants' Motion for Leave to File Supplemental Brief (as fully set out in this order). Signed by Honorable Stephen P. Friot on 5/7/2021. (llg) (Entered: 05/07/2021)
05/07/2021	<u>422</u>		BRIEF IN SUPPORT re <u>388</u> MOTION for Summary Judgment <i>pursuant to Order 421</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Supplemental Responses, # <u>2</u> Exhibit 2 – Alternatives Chart, # <u>3</u> Exhibit 3 – Buffington Depo Excerpt)(Mansinghani, Mithun) (Entered: 05/07/2021)
05/10/2021	<u>423</u>		UNOPPOSED MOTION to Dismiss for Lack of Jurisdiction <i>the Claims of Plaintiff Patrick Murphy</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Murphy Judgment)(Mansinghani, Mithun) (Entered: 05/10/2021)
05/10/2021	<u>424</u>		<b>ORDER</b> granting <u>423</u> Defendants' Unopposed Motion to Dismiss the Claims of Plaintiff Patrick Murphy. Signed by Honorable Stephen P. Friot on 5/10/2021. (llg) (Entered: 05/10/2021)
05/14/2021	<u>425</u>		RESPONSE in Opposition re <u>388</u> MOTION for Summary Judgment filed by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Attachments: # <u>1</u> Exhibit 1 – Excerpts_Ok Death Penalty Commission Report (2017), # <u>2</u> Exhibit 2 – Excerpts_Antognini Dep. Tr., # <u>3</u> Exhibit 3 – Excerpts_Buffington Dep. Tr., # <u>4</u> Exhibit 4 – Shenandoah ltr re Buffington, # <u>5</u> Exhibit 5 – Excerpt_Weinberger Dep. Tr., # <u>6</u> Exhibit 6 – Russell 1986 (Weinberger Dep. Tr. Ex. 29), # <u>7</u> Exhibit 7 – Russell 1993 (Weinberger Dep. Tr. Ex. 51), # <u>8</u> Exhibit 8 – Wilkinson Report, # <u>9</u> Exhibit 9 – Filed Under Seal Pursuant to

		[Doc. 90], # <u>10</u> Exhibit 10 – Filed Under Seal Pursuant to [Doc. 90], # <u>11</u> Exhibit 11 – Excerpts_Yen Dep. Tr., # <u>12</u> Exhibit 12 – BuzzFeed News Article 11–28–18, # <u>13</u> Exhibit 13 – 2020–08–20 AZ Gov Ducey ltr re pentobarbital, # <u>14</u> Exhibit 14 – 2021–01–11 Fins Expert Report & Exhibits, # <u>15</u> Exhibit 15 – Divoll 1981, # <u>16</u> Exhibit 16 – Greenblatt 1977, # <u>17</u> Exhibit 17 – Schultz 2012, # <u>18</u> Exhibit 18 – Pls Suppl Interrog Resps, # <u>19</u> Exhibit 19 – Excerpts_DOC Formulary Dec 2020, # <u>20</u> Exhibit 20 – Smith 2019)(Lieberman, Michael) (Entered: 05/14/2021)
05/14/2021	<u>426</u>	SEALED EXHIBIT by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood Re: <u>425</u> Response in Opposition to Motion,,,,,, (Lieberman, Michael) (Entered: 05/14/2021)
05/14/2021	<u>427</u>	SEALED EXHIBIT by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood Re: <u>425</u> Response in Opposition to Motion,,,,,, (Lieberman, Michael) (Entered: 05/14/2021)
05/20/2021	<u>428</u>	LETTER from Wade Lay (Attachments: # <u>1</u> Envelope) (dtb) (Main Document 428 replaced on 5/24/2021) (llg). (Entered: 05/21/2021)
05/20/2021	<u>429</u>	MOTION for Order titled, "Plaintiffs Motion For Protective Order" by Wade Lay. (Attachments: # <u>1</u> Attachment 1– Addendum, # <u>2</u> Envelope)(dtb) (Entered: 05/21/2021)
05/20/2021	<u>430</u>	MOTION for Extension of Time by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 05/21/2021)
05/21/2021	<u>432</u>	LETTER from Clerk, Supreme Court of the United States (Attachments: # <u>1</u> Attachment – 4–27–21 Letter from USDC Court Clerk to Clerk, Supreme Court, # <u>2</u> Attachment – Doc. no. 413 – Wade Lay Notice of Appeal, # <u>3</u> Attachment – Mailing label to Clerk, Supreme Court, # <u>4</u> Attachment – Envelope) (llg) (Entered: 05/26/2021)
05/25/2021	<u>431</u>	LETTER from Deputy Clerk Lori Gray to Clerk, Supreme Court of the United States, enclosing <u>430</u> MOTION for Extension of Time by Wade Lay. (llg) (Entered: 05/25/2021)
05/27/2021	<u>433</u>	REPLY to Response to Motion re <u>388</u> MOTION for Summary Judgment filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti,

			Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1–Mihic Ch 19_ Hypnotics and Sedatives, # <u>2</u> Exhibit 2–Antognini Depo Excerpts, # <u>3</u> Exhibit 3–Crow 30b6 Depo Excerpts, # <u>4</u> Exhibit 4–Crow Indiv Depo Excerpts, # <u>5</u> Exhibit 5–Wilkinson Depo Excerpts, # <u>6</u> Exhibit 6–Fins Depo Excerpts)(Mansinghani, Mithun) (Entered: 05/27/2021)
06/11/2021	<u>434</u>		LETTER from Wade Lay (Attachments: # <u>1</u> Envelope) (dtb) (Entered: 06/16/2021)
06/17/2021	<u>435</u>		UNOPPOSED MOTION for Leave to <i>Supplement Opposition to Defendants' Motion for Summary Judgment</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Rolls, Emma) (Entered: 06/17/2021)
06/21/2021	<u>436</u>		<b>ORDER</b> granting <u>435</u> Plaintiffs' Unopposed Motion for Leave to Supplement Opposition to Defendants' Motion for Summary Judgment. Signed by Honorable Stephen P. Friot on 6/21/2021. (llg) (Entered: 06/21/2021)
06/21/2021	<u>437</u>		SUPPLEMENT re <u>425</u> Response in Opposition to Motion,,,,,, <i>Exhibit 18</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Rolls, Emma) (Entered: 06/21/2021)
06/29/2021	<u>438</u>		MOTION to Withdraw as Attorney of Record by <i>Michael W. Lieberman</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Lieberman, Michael) (Entered: 06/29/2021)

06/30/2021	<u>439</u>		<b>ORDER</b> granting <u>438</u> Motion to Withdraw as Counsel. Attorney Michael W Lieberman withdrawn as counsel of record. Signed by Honorable Stephen P. Friot on 6/30/2021. (llg) (Entered: 06/30/2021)
06/30/2021	<u>440</u>		SUGGESTION OF DEATH Upon the Record as to Jimmy Dean Harris by Jimmy Dean Harris. (Rolls, Emma) (Entered: 06/30/2021)
07/14/2021	<u>441</u>		<b>ORDER</b> re non-response by plf John M Grant to dfts' Interrogatory No. 15 (as fully set out in this order). Signed by Honorable Stephen P. Friot on 7/14/2021. (llg) (Entered: 07/14/2021)
07/15/2021	<u>442</u>		ENTRY of Appearance by Michael W Lieberman on behalf of Richard E Glossip (Lieberman, Michael) Modified on 7/15/2021 (llg). (Entered: 07/15/2021)
07/15/2021			<b>Docket Annotation:</b> The docket text for <u>442</u> Entry of Appearance by Michael W Lieberman has been corrected to reflect that the Entry of Appearance is filed only on behalf of plaintiff Richard E Glossip. (llg) (Entered: 07/15/2021)
07/15/2021	<u>443</u>		NOTICE of Change of Address by Michael W Lieberman (Lieberman, Michael) (Entered: 07/15/2021)
07/19/2021	<u>444</u>		<b>ORDER</b> directing the Warden of the Oklahoma State Penitentiary to deliver this order and an extra copy of the attached exhibit to Wade Lay (with further instructions as fully set out in this order). Signed by Honorable Stephen P. Friot on 7/19/2021. (Attachment: # <u>1</u> Exhibit A – Alternative methods of carrying out sentence of death)(llg) (Entered: 07/19/2021)
07/23/2021	<u>445</u>		MOTION for Extension of Time by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 07/23/2021)
07/26/2021	<u>446</u>		<b>ORDER</b> granting in part and denying in part <u>445</u> Wade Lay's Motion for Time Extension of 21 Days to Respond to the Court's Order at Doc. No. 444 (as fully set out in this order). Signed by Honorable Stephen P. Friot on 7/26/2021. (llg) (Entered: 07/26/2021)
08/06/2021	<u>447</u>		NOTICE (other) by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard re <u>444</u> Order, <u>446</u> Order on Motion for Extension of Time to File, (Attachments: # <u>1</u> Exhibit 1 – Doc 444–1 signed by Wade Lay)(Mansinghani, Mithun) (Entered: 08/06/2021)
08/09/2021	<u>448</u>		RESPONSE re <u>444</u> Order, filed by Wade Lay. (Attachments: # <u>1</u> Attachment 1– DOC documentation, # <u>2</u> Envelope)(dtb) (Entered: 08/10/2021)
08/11/2021	<u>449</u>		<b>ORDER</b> granting in part and denying in part <u>388</u> Defendants' Motion for Summary Judgment (as fully set out in this order). Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/11/2021	<u>450</u>		<b>RULE 54(b) FINAL JUDGMENT</b> in favor of defendants and against James A Coddington. Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/11/2021	<u>451</u>		<b>RULE 54(b) FINAL JUDGMENT</b> in favor of defendants and against Donald Anthony Grant. Signed by Honorable Stephen P. Friot on 8/11/2021. (llg)



		(Entered: 08/11/2021)
08/11/2021	<u>452</u>	<b>RULE 54(b) FINAL JUDGMENT</b> in favor of defendants and against John M Grant. Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/11/2021	<u>453</u>	<b>RULE 54(b) FINAL JUDGMENT</b> in favor of defendants and against Julius D Jones. Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/11/2021	<u>454</u>	<b>RULE 54(b) FINAL JUDGMENT</b> in favor of defendants and against Wade Lay. Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/11/2021	<u>455</u>	<b>RULE 54(b) FINAL JUDGMENT</b> in favor of defendants and against Gilbert Ray Postelle. Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/11/2021	<u>456</u>	<b>ORDER.</b> Scheduling Conference set for 8/31/2021 10:00 AM in Chambers before Honorable Stephen P. Friot (as fully set out in this order). Signed by Honorable Stephen P. Friot on 8/11/2021. (llg) (Entered: 08/11/2021)
08/19/2021	<u>457</u>	NOTICE (other) by Wade Lay (Attachments: # <u>1</u> Envelope)(dtb) (Additional attachment(s) added on 8/23/2021: # <u>2</u> Attachment 1– Consent Regarding Alternative Methods) (dtb). Modified on 8/23/2021 (llg). (Entered: 08/23/2021)
08/19/2021	<u>458</u>	NOTICE OF APPEAL as to <u>444</u> Order, by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 08/23/2021)
08/19/2021		MOTION to Vacate <u>454</u> Judgment by Wade Lay (SEE DOC. NO. 458 FOR IMAGE). (llg) (Entered: 08/24/2021)
08/20/2021	<u>459</u>	NOTICE (other) by Wade Lay re <u>444</u> Order, (Attachments: # <u>1</u> Attachment 1– Correspondence, # <u>2</u> Attachment 2– Letter, # <u>3</u> Envelope)(dtb) (Entered: 08/23/2021)
08/20/2021	<u>460</u>	SUPPLEMENT re <u>447</u> Notice (other), by Wade Lay. (Attachments: # <u>1</u> Attachment 1– Supporting Documents, # <u>2</u> Envelope)(dtb) (Entered: 08/23/2021)
08/23/2021	<u>463</u>	SUPPLEMENT re <u>444</u> Order, <u>448</u> Response by Wade Lay. (Attachments: # <u>1</u> Attachment 1– Amended Response to #448, # <u>2</u> Envelope)(dtb) (Entered: 08/25/2021)
08/23/2021	<u>494</u>	NOTICE OF APPEAL as to <u>449</u> Order on Motion for Summary Judgment, Order on Motion for Order,, Order on Motion for Extension of Time to File by Wade Lay. (Attachments: # <u>1</u> Attachment 1 – Amended Response to #448, # <u>2</u> Envelope)(llg) (Entered: 10/12/2021)
08/25/2021	<u>461</u>	<b>ORDER</b> re <u>457</u> Notice (submission of alternative method of execution) filed by Wade Lay, <u>458</u> Notice of Appeal, MOTION to Vacate Judgment filed by Wade Lay, <u>459</u> Notice (other) filed by Wade Lay, <u>460</u> Supplement filed by Wade Lay. Dfts are DIRECTED to file a response brief which addresses each of these documents, DUE 21 days from the date of this order. Any reply brief Mr. Lay wishes to file is DUE 14 days after the filing of dft's response brief.

		Except for the filings by Mr. Lay addressed in this order, the order which suspended briefing on Mr. Lay's motions remains in effect. Signed by Honorable Stephen P. Friot on 8/25/2021. (llg) (Entered: 08/25/2021)
08/25/2021	<u>462</u>	MOTION titled, "Petition for Appointment of Next Friend for Plaintiff Wade Lay" by Rhonda Kemp on behalf of Wade Lay. (Attachments: # <u>1</u> Attachment 1– Order from The Northern District of Oklahoma, # <u>2</u> Attachment 2– Order from The Northern District of Oklahoma)(dtb) Modified on 8/25/2021 (llg). (Entered: 08/25/2021)
08/25/2021	<u>464</u>	NOTICE OF APPEAL as to <u>449</u> Order on Motion for Summary Judgment, Order on Motion for Order, Order on Motion for Extension of Time to File by Wade Lay. (Attachments: # <u>1</u> Attachment 1– Rule 54(b) Final Judgement as to Wade Lay, # <u>2</u> Envelope)(dtb) (Entered: 08/26/2021)
08/26/2021	<u>466</u>	Request for Docket Sheet by Wade Lay (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 08/27/2021)
08/27/2021	<u>465</u>	NOTICE (other) by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood <i>AS TO REPRESENTATION OF PLAINTIFF WADE LAY</i> (Rolls, Emma) (Entered: 08/27/2021)
08/30/2021	<u>467</u>	MOTION to Amend/Correct , <i>ALTER AND/OR VACATE JUDGMENT; OR, IN THE ALTERNATIVE, FOR A STAY OF ENFORCEMENT OF JUDGMENT</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Attachments: # <u>1</u> Exhibit 1 – Coddington affidavit and alternative pled, # <u>2</u> Exhibit 2 – D. Grant affidavit and alternative pled, # <u>3</u> Exhibit 3 – Jones affidavit and alternative pled, # <u>4</u> Exhibit 4 – Postelle affidavit and alternative pled, # <u>5</u> Exhibit 5 – Coddington affidavit and supporting attachments)(Rolls, Emma) (Entered: 08/30/2021)
08/31/2021	<u>469</u>	Minute Entry for proceedings held before Honorable Stephen P. Friot: Scheduling Conference held on 8/31/2021. Bench Trial set for 2/28/2022 09:00 AM in Courtroom 401 before Honorable Stephen P. Friot. Plfs' trial brief due 1/18/2022. Dfts' trial brief due 2/15/2022. Plfs may, if they choose, file a mtn for leave to file a reply trial brief. The due date for post–trial proposed findings of fact & conclusions of law will be set at conclusion of trial. Soft ddl of 11/1/2021 for any mtns to file supplemental witness & exhibit

		lists. (llg) (Entered: 09/01/2021)
09/01/2021	<u>468</u>	<b>ORDER</b> regarding <u>462</u> "Petition for Appointment of Next Friend for Plaintiff Wade Lay" by Rhonda Kemp. The court DIRECTS dfts to promptly provide Mr. Lay with a copy of Ms. Kemp's petition & a copy of this order. The clerk, when she mails Mr. Lay his copy of this order, is also DIRECTED to include a copy of Ms. Kemp's petition. Responses to Ms. Kemp's petition, whether filed by Mr. Lay or any other party, are DUE 14 days from the date of this order (as fully set out in this order). No reply brief is permitted at this time. Signed by Honorable Stephen P. Friot on 9/1/2021. (llg) (Entered: 09/01/2021)
09/01/2021	<u>470</u>	MOTION to Withdraw as Attorney <i>Pilar R. Stillwater</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Stronski, James) (Entered: 09/01/2021)
09/01/2021	<u>471</u>	<b>ORDER</b> granting <u>470</u> Motion to Withdraw as Counsel. Attorney Pilar R. Stillwater withdrawn as counsel for plaintiffs. Signed by Honorable Stephen P. Friot on 9/1/2021. (llg) (Entered: 09/01/2021)
09/03/2021	<u>472</u>	NOTICE OF APPEAL as to <u>454</u> Judgment by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 09/03/2021)
09/03/2021	<u>473</u>	NOTICE titled: Manipulation of Documents and Pleading bu Oklahoma State Penitentiary by Wade Lay re <u>457</u> Notice (other) (Attachments: # <u>1</u> Attachment 1- Supporting Documents, # <u>2</u> Envelope)(dtb) (Entered: 09/03/2021)
09/08/2021	<u>474</u>	PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>464</u> Notice of Appeal, (Attachments: # <u>1</u> Attachment 1- Preliminary Record on Appeal)(dtb) (Entered: 09/08/2021)
09/08/2021	<u>475</u>	PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>472</u> Notice of Appeal (Attachments: # <u>1</u> Attachment 1- Preliminary Record on Appeal)(dtb) (Entered: 09/08/2021)
09/09/2021	<u>476</u>	RESPONSE in Opposition re <u>467</u> MOTION to Amend/Correct , <i>ALTER AND/OR VACATE JUDGMENT; OR, IN THE ALTERNATIVE, FOR A STAY OF ENFORCEMENT OF JUDGMENT</i> filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 09/09/2021)
09/09/2021	<u>477</u>	Tenth Circuit USCA Case Number 21-6101 for <u>472</u> Notice of Appeal filed by Wade Lay. Prisoner case docketed. DATE RECEIVED: 09/08/2021. Notice of appearance due on 09/23/2021 for Steve Burrage, Michael Carpenter, Randy



		Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F. Lynn Haueter, Kathryn A. LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T. Hastings Siegfried, Ernest D. Ware and Daryl Woodard and on 10/12/2021 for Wade Lay. Fee or 1915 forms due 10/12/2021 for Wade Lay. [21-6101] (kmt) (Entered: 09/10/2021)
09/09/2021	<u>478</u>	ORDER of USCA as to <u>472</u> Notice of Appeal filed by Wade Lay. Order filed by Clerk of the Court abating case pending the district courts disposition of the motions docketed as ECF Nos. 458 and 467. Served on 09/09/2021. (See the attachment for the order.) [21-6101](kmt) (Entered: 09/10/2021)
09/13/2021	<u>479</u>	MOTION titled, "Motion to Stay Execution and Injunctive Relief (Brief in Support)" by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 09/14/2021)
09/15/2021	<u>480</u>	RESPONSE re <u>457</u> Notice (other), <u>460</u> Supplement, <u>458</u> Notice of Appeal, <u>459</u> Notice (other) <i>per</i> <u>461</u> Order filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 09/15/2021)
09/15/2021	<u>481</u>	RESPONSE to Motion re <u>462</u> MOTION for Order <i>Appointing Rhonda Kemp as Wade Lay's "Next Friend"</i> filed by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Rolls, Emma) (Entered: 09/15/2021)
09/15/2021	<u>482</u>	RESPONSE to Motion re <u>462</u> MOTION for Order <i>Appointing Next Friend</i> filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, Tommy Sharp, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 09/15/2021)
09/16/2021	<u>483</u>	REPLY to Response to Motion re <u>467</u> MOTION to Amend/Correct , <i>ALTER AND/OR VACATE JUDGMENT; OR, IN THE ALTERNATIVE, FOR A STAY OF ENFORCEMENT OF JUDGMENT</i> filed by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood.

		(Attachments: # <u>1</u> Exhibit 6 – 9–9–21 Letter to Judge Friot from Donald Grant)(Rolls, Emma) (Entered: 09/16/2021)
09/16/2021	<u>484</u>	RESPONSE by Plaintiff Wade Lay to <u>462</u> MOTION titled, "Petition for Appointment of Next Friend for Plaintiff Wade Lay" by Rhonda Kemp. (Attachments: # <u>1</u> Exhibit A– Letter, # <u>2</u> Exhibit B– Request for Health Services, # <u>3</u> Exhibit C– Request for Health Services, # <u>4</u> Exhibit D– Language, # <u>5</u> Exhibit E– Execution Selections, # <u>6</u> Envelope)(dtb) Modified on 9/17/2021 (llg). (Entered: 09/17/2021)
09/29/2021	<u>485</u>	MOTION for Leave to <i>Supplement Reply [Doc. 483] with Exhibits 7–9</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Attachments: # <u>1</u> Attachment Ex. 7: D.Grant ltr (9–14–21); Ex. 8: D. Grant ltr (9–22–21); Ex. 9 – Affidavit of Emma Rolls)(Rolls, Emma) (Entered: 09/29/2021)
09/29/2021	<u>486</u>	<b>ORDER</b> granting <u>485</u> Plaintiffs' Motion for Leave to Supplement Reply In Support of Plaintiffs' Motion to Amend, Alter and/or Vacate Judgment or, in the Alternative, for a Stay of Enforcement of Judgment. Said supplement shall be filed within two business days of the date of this order. Signed by Judge Stephen P. Friot on 9/29/2021. (llg) (Entered: 09/29/2021)
09/30/2021	<u>487</u>	SUPPLEMENT re <u>483</u> Reply to Response to Motion,,, <i>Exhibits 7–9</i> by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta–Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Attachments: # <u>1</u> Exhibit 7 – D. Grant ltr (9–14–21), # <u>2</u> Exhibit 8 – D. Grant ltr (9–22–21), # <u>3</u> Exhibit 9 – Affidavit of Emma Rolls)(Rolls, Emma) (Entered: 09/30/2021)
10/01/2021	<u>488</u>	REPLY by Plaintiff Wade Lay re <u>480</u> Response, filed by Wade Lay. (Attachments: # <u>1</u> Exhibit 1– Inmate Request, # <u>2</u> Envelope)(dtb) Modified on 10/4/2021 (dtb). (Main Document 488 replaced on 10/4/2021) (dtb). (Entered: 10/01/2021)
10/01/2021	<u>489</u>	SUPPLEMENT re <u>488</u> Reply by Wade Lay. (Attachments: # <u>1</u> Exhibit 1– Miscellaneous documents, # <u>2</u> Envelope)(dtb) Modified on 10/4/2021 (dtb). (Entered: 10/01/2021)
10/01/2021	<u>490</u>	

		ORDER of USCA as to <u>472</u> Notice of Appeal filed by Wade Lay. Order filed by Clerk of the Court sua sponte to direct the parties to address the propriety of the district court's FRCP 54(b) certification. Jurisdictional memorandum brief due 10/12/2021 for Wade Lay and for Aboutanaa El Habti, et al. Proceedings in this appeal otherwise remain abated. Please see attached order for additional information. Served on 10/01/2021. [21-6101] (knt) (Entered: 10/05/2021)
10/05/2021		Docket Annotation: Pursuant to Rule 25, Fed. R. Civ. P., the court has substituted on the docket sheet Jim Farris, Warden, in his official capacity, for Tommy Sharp, Warden, in his official capacity. (llg) (Entered: 10/05/2021)
10/05/2021	<u>491</u>	NOTICE (other) by Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood re <u>490</u> USCA Order, (Rolls, Emma) (Entered: 10/05/2021)
10/12/2021	<u>492</u>	<b>ORDER</b> denying <u>462</u> Rhonda Kemp's Petition for Appointment of Next Friend for Plaintiff Wade Lay. Signed by Judge Stephen P. Friot on 10/12/2021. (llg) (Entered: 10/12/2021)
10/12/2021	<u>493</u>	<b>ORDER</b> DENYING IN PART and GRANTING IN PART <u>467</u> Plaintiffs' Motion to Amend, Alter and/or Vacate Judgment or, in the Alternative, for a Stay of Enforcement of Judgment. The motion is DENIED except as to plf James Coddington. As to plf Coddington, the motion is GRANTED in part and DENIED in part, as follows: The Rule 54(b) final judgment is VACATED in all respects and the grant of summary judgment on Count II is VACATED. To the extent that Coddington seeks relief from the grant of summary judgment with respect to Count IX, his motion is DENIED. This leaves Coddington's Count II claim pending for trial. The court DENIES <u>457</u> , <u>458</u> , <u>459</u> , <u>460</u> , <u>463</u> , <u>479</u> Motions and Other Post-Judgment Filings by Wade Lay. (All as fully set out in this order.) Signed by Judge Stephen P. Friot on 10/12/2021. (llg) (Entered: 10/12/2021)
10/13/2021	<u>495</u>	PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>494</u> Notice of Appeal. (Attachments: # <u>1</u> Attachment 1– Preliminary Record on Appeal) (Entered: 10/13/2021)
10/13/2021	<u>496</u>	SUPPLEMENTAL PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals (Attachments: # <u>1</u> Attachment 1– Preliminary ROA)(dtb) (Entered: 10/13/2021)
10/13/2021	<u>497</u>	NOTICE OF APPEAL as to <u>452</u> Judgment, <u>453</u> Judgment, <u>455</u> Judgment, <u>449</u> Order on Motion for Summary Judgment, Order on Motion for Order,,, Order on Motion for Extension of Time to File, <u>493</u> Order on Motion to Vacate,

		Order on Motion to Amend/Correct, Order on Motion for Order,,,,,,, 451 Judgment, 349 Order on Motion to Dismiss, by Donald Anthony Grant, John M Grant, Julius D Jones, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 10/13/2021)
10/13/2021	<u>498</u>	PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>497</u> Notice of Appeal. (Attachments: # <u>1</u> Attachment 1 – Preliminary Record on Appeal)(knt) (Entered: 10/13/2021)
10/13/2021	<u>513</u>	Tenth Circuit USCA Case Number 21–6129 for <u>497</u> Notice of Appeal, filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle. Prisoner case docketed. DATE RECEIVED: 10/13/2021. Docketing statement due 10/27/2021 for Donald Anthony Grant, John M. Grant, Julius D. Jones and Gilbert Ray Postelle. Transcript order form due 10/27/2021 for Donald Anthony Grant, John M. Grant, Julius D. Jones and Gilbert Ray Postelle. Notice of appearance due on 10/27/2021 for Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Justin Farris, Betty Gesell, Justin Giudice, Donald Anthony Grant, John M. Grant, Joseph Griffin, F. Lynn Haueter, Julius D. Jones, Kathryn A. LaFortune, Stephan Moore, Gilbert Ray Postelle, Calvin Prince, Tommy Sharp, T. Hastings Siegfried and Daryl Woodard. A/Pet designation of record due 10/27/2021 for Donald Anthony Grant, John M. Grant, Julius D. Jones and Gilbert Ray Postelle. Appointment motion due 10/27/2021 by Donald Anthony Grant, John M. Grant, Julius D. Jones and Gilbert Ray Postelle. [21–6129] (knt) (Entered: 10/22/2021)
10/15/2021	<u>499</u>	MOTION titled, "Motion to Amend, Alter, and/or Vacate Judgment Denying Petition for Appointment of Next Friend for Plaintiff Wade Lay" by Rhonda Kemp. (Attachments: # <u>1</u> Exhibit 1– Forensic Psychological)(dtb) (Entered: 10/15/2021)
10/15/2021		<b>Docket Annotation:</b> The court has sealed Exhibit 1 to <u>499</u> "Motion to Amend, Alter, and/or Vacate Judgment Denying Petition for Appointment of Next Friend for Plaintiff Wade Lay" filed by Rhonda Kemp, as the document is a forensic psychological evaluation report. (llg) (Entered: 10/15/2021)
10/15/2021	<u>514</u>	ORDER of USCA as to <u>497</u> Notice of Appeal, filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle (dtb) Modified on 10/22/2021 (dtb). (Entered: 10/22/2021)
10/15/2021	<u>515</u>	ORDER of USCA as to <u>497</u> Notice of Appeal, filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle (dtb) (Entered: 10/22/2021)
10/18/2021	<u>500</u>	ORDER of USCA as to <u>497</u> Notice of Appeal, filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle, <u>472</u> Notice of Appeal filed by Wade Lay (dtb) (Entered: 10/18/2021)
10/18/2021	<u>501</u>	NOTICE re <u>462</u> MOTION titled, "Petition for Appointment of Next Friend for Plaintiff Wade Lay" by Wade Lay (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 10/19/2021)
10/18/2021	<u>502</u>	NOTICE to the court by Wade Lay (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 10/19/2021)

10/18/2021	<u>503</u>		MOTION titled, "Petitioners Motion for Stay of Execution Pending Appeal with Order for Evidentiary Hearing to Ascertain The Truth in This Complicated Matter for the Purpose to Avoid a Manifest Injustice With Brief in Support" by Wade Lay. (Attachments: # <u>1</u> Envelope)(dtb) (Entered: 10/19/2021)
10/20/2021	<u>504</u>		Minute Entry for proceedings held before Judge Stephen P. Friot: Telephonic Conference held on 10/20/2021. (Court Reporter Christy Clark.) (llg) (Entered: 10/20/2021)
10/20/2021	<u>505</u>		ENTRY of Appearance by Jennifer L Crabb on behalf of All Defendants (Crabb, Jennifer) (Entered: 10/20/2021)
10/20/2021	<u>506</u>		MOTION for Preliminary Injunction <i>and Brief in Support</i> by Donald Anthony Grant, John M Grant, Julius D Jones, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 10/20/2021)
10/21/2021	<u>507</u>		<b>ORDER Setting Hearing</b> on <u>506</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> : Motion Hearing set for 10/25/2021 09:00 AM in Courtroom 401 before Judge Stephen P. Friot. Response due by noon on 10/23/2021. Signed by Judge Stephen P. Friot on 10/21/2021. (llg) (Entered: 10/21/2021)
10/21/2021	<u>508</u>		<b>ORDER</b> regarding <u>506</u> Motion for Preliminary Injunction and hearing set on 10/25/2021, DIRECTING the filing of witness and exhibit lists (as fully set out in this order). Signed by Judge Stephen P. Friot on 10/21/2021. (llg) (Entered: 10/21/2021)
10/21/2021	<u>509</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/20/2021 before Judge Friot. Court Reporter: Christy Clark, Telephone number 405-609-5123. Transcript of: Telephonic Conference. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/12/2021. Redacted Transcript Deadline set for 11/22/2021. Release of Transcript Restriction set for 1/19/2022. (llg) (Entered: 10/21/2021)
10/21/2021	<u>510</u>		MOTION titled, "Motion To Join Plaintiff Wade Lay In Plaintiffs Donald Grant, John Grant, Julius Jones, And Gilbert Postelle's Motion And Brief In Support For Preliminary Injunction" by Rhonda Kemp. (dtb) (Entered: 10/21/2021)
10/21/2021	<u>511</u>		RESPONSE in Support re <u>510</u> MOTION for Order <i>for Preliminary Injunction</i> filed by All Plaintiffs. (Rolls, Emma) (Entered: 10/21/2021)
10/22/2021	<u>512</u>		<b>ENTER ORDER.</b> Defendants are DIRECTED to file, not later than 2:00 pm today, 10/22/2021, a response to <u>499</u> Rhonda Kemp's Motion to Amend, Alter, and/or Vacate Judgment Denying Petition for Appointment of Next Friend for Plaintiff Wade Lay, and <u>510</u> Rhonda Kemp's Motion to Join Plaintiff Wade Lay in Plaintiffs Donald Grant, John Grant, Julius Jones, and Gilbert Postelle's Motion and Brief in Support of Preliminary Injunction. Entered at the direction of Judge Stephen P. Friot on 10/22/2021. (llg) (Entered: 10/22/2021)
10/22/2021			<b>NOTICE from the Court</b> re <u>512</u> Enter Order. Defendants are granted leave to file the required response under seal and to also file (not under seal) a redacted version of the response. (llg) (Entered: 10/22/2021)



10/22/2021	<u>516</u>		Exhibit List / Witness List by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Rolls, Emma) (Entered: 10/22/2021)
10/22/2021	<u>517</u>		RESPONSE to Motion re <u>510</u> MOTION for Order, <u>499</u> MOTION for Order <i>redacted per Notice re 512</i> Order filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 10/22/2021)
10/22/2021	<u>518</u>		SEALED RESPONSE by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard Re: Notice from the Court, <u>510</u> MOTION for Order, <u>499</u> MOTION for Order (Mansinghani, Mithun) (Entered: 10/22/2021)
10/22/2021	<u>519</u>		<b>ORDER</b> granting <u>499</u> Rhonda Kemp's "Motion to Amend, Alter and/or Vacate Judgment Denying Petition for Appointment of Next Friend for Plaintiff Wade Lay;" granting <u>510</u> Rhonda Kemp's "Motion to Join Plaintiff Wade Lay in Plaintiffs Donald Grant, John Grant, Julius Jones, and Gilbert Postelle's Motion and Brief in Support for Preliminary Injunction." <u>492</u> 10/12/2021 Order is VACATED, and <u>462</u> Rhonda Kemp's "Petition for Appointment of Next Friend for Plaintiff Wade Lay" is GRANTED. Rhonda Kemp is APPOINTED next friend for plf Wade Lay, for purposes of this action. The clerk is DIRECTED to change Kemp's status on the docket sheet from "interested party" to "next friend for plaintiff Wade Lay." Lay, at the request of Kemp acting as his next friend, is hereby JOINED as an add'l movant on <u>506</u> "Motion and Brief in Support for Preliminary Injunction on Behalf of Plaintiffs Donald Grant, John Grant, Julius Jones, and Gilbert Postelle" (set for hrg at 9:00 AM on 10/25/2021). Crowell & Moring is DIRECTED to enter its appearance on behalf of Kemp as next friend for Lay before 9:00 AM on 10/25/2021. <u>503</u> "Petitioner's Motion for Stay of Execution Pending Appeal With Order for Evidentiary Hearing to Ascertain the Truth in This Complicated Matter for the Purpose to Avoid a Manifest Injustice Rule 8(a)(1)(A) (with Brief in Support)" filed by Wade Lay is STRICKEN. Signed by Judge Stephen P. Friot on 10/22/2021. (llg) (Entered: 10/22/2021)
10/22/2021	<u>520</u>		MOTION in Limine by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Cleveland, Bryan) (Entered: 10/22/2021)

10/23/2021	<u>521</u>		RESPONSE in Opposition re <u>506</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 10/23/2021)
10/23/2021	<u>522</u>		ENTRY of Appearance by James K Stronski on behalf of Wade Lay (Stronski, James) (Entered: 10/23/2021)
10/23/2021	<u>523</u>		Exhibit List / Witness List by Defendants Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 10/23/2021)
10/23/2021	<u>524</u>		ENTRY of Appearance by Emma V Rolls on behalf of Rhonda Kemp, Wade Lay (Rolls, Emma) (Entered: 10/23/2021)
10/23/2021	<u>525</u>		EMERGENCY MOTION for Order <i>to Preserve Evidence of the Execution of John Marion Grant</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Order (Doc. 29) in case 2:14-cv-01447 dated 7-23-14, # <u>2</u> Exhibit 2 – Order (Doc. 187) in case 2:14-cv-01447 dated 6-22-17)(Rolls, Emma) (Entered: 10/23/2021)
10/23/2021	<u>526</u>		MOTION for Leave <i>to File an Amended Witness and Exhibit List</i> by All Plaintiffs. (Attachments: # <u>1</u> Attachment Proposed Plaintiffs' Amended Combined Witness and Exhibit List)(Rolls, Emma) (Entered: 10/23/2021)
10/23/2021	<u>527</u>		<b>ORDER</b> granting <u>526</u> Plaintiffs' Motion for Leave to File an Amended Plaintiffs' Combined Witness and Exhibit List. Plfs are directed to promptly file the amended list. Signed by Judge Stephen P. Friot on 10/23/2021. (llg) (Entered: 10/23/2021)
10/23/2021	<u>528</u>		Exhibit List / Witness List ( <i>AMENDED</i> ) by Plaintiffs Brenda E Andrew, Ronson Kyle Bush, Jemaine Cannon, James A Coddington, Benjamin R Cole, Carlos Cuesta-Rodriguez, Nicholas A Davis, Scott Eizember, Richard S Fairchild, Richard E Glossip, Clarence Goode, Donald Anthony Grant, John M Grant, Wendell A Grissom, Phillip D Hancock, John F Hanson, Marlon D Harmon, Jimmy Dean Harris, Shelton D Jackson, Raymond E Johnson, Julius D Jones, Rhonda Kemp, Wade Lay, Emmanuel A Littlejohn, Ricky Ray Malone, Mica Alexander Martinez, Alfred B Mitchell, Patrick Murphy, James D Pavatt, Gilbert Ray Postelle, Richard Rojem, James Ryder, Anthony Sanchez, Kendrick A Simpson, Michael Dewayne Smith, Kevin R Underwood, Charles F Warner, Tremane Wood. (Rolls, Emma) (Entered: 10/23/2021)
10/23/2021	<u>529</u>		RESPONSE to Motion re <u>520</u> MOTION in Limine filed by Donald Anthony Grant, John M Grant, Julius D Jones, Rhonda Kemp, Wade Lay, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 10/23/2021)
10/24/2021	<u>530</u>		REPLY to Response to Motion re <u>520</u> MOTION in Limine filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried,

		Daryl Woodard. (Cleveland, Bryan) (Entered: 10/24/2021)
10/25/2021	<u>531</u>	<b>Minute Order.</b> Proceedings held before Judge Stephen P. Friot: Motion Hearing held on 10/25/2021. <u>520</u> Defendants' Motion in Limine to Exclude Plaintiffs' Proposed Witness and Exhibits is DENIED, for the reasons set out in detail on the record. <u>506</u> The Motion and Brief in Support for Preliminary Injunction on Behalf of Plaintiffs Donald Grant, John Grant, Julius Jones, and Gilbert Postelle, as joined in by Wade Lay, is DENIED, for the reasons set out in detail on the record. A written order will follow. The court defers ruling on <u>525</u> Plaintiffs' Emergency Motion to Preserve Evidence of the Execution of John Marion Grant. (Court Reporter Tracy Thompson.) (llg) (Entered: 10/25/2021)
10/25/2021	<u>532</u>	<b>ORDER ON SECOND MOTION FOR PRELIMINARY INJUNCTION</b> re <u>506</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> , re <u>531</u> Minute Order on Motion for Preliminary Injunction. Follows oral order of 10/25/2021. Signed by Judge Stephen P. Friot on 10/25/2021. (llg) (Entered: 10/25/2021)
10/25/2021	<u>533</u>	NOTICE OF APPEAL as to <u>532</u> Order – Written Order Following Oral Order on Motion, by Donald Anthony Grant, John M Grant, Julius D Jones, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 10/25/2021)
10/25/2021	<u>534</u>	PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>533</u> Notice of Appeal (Attachments: # <u>1</u> Attachment 1 – Preliminary Record on Appeal)(kmt) (Entered: 10/25/2021)
10/25/2021	<u>535</u>	AMENDED NOTICE OF APPEAL as to <u>532</u> Order – Written Order Following Oral Order on Motion, by Donald Anthony Grant, John M Grant, Julius D Jones, Wade Lay, Gilbert Ray Postelle. (Rolls, Emma) Modified on 10/25/2021 (llg). (Entered: 10/25/2021)
10/25/2021	<u>536</u>	AMENDED PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>535</u> Notice of Appeal (Attachments: # <u>1</u> Attachment 1 – Preliminary Record on Appeal)(kmt) (Entered: 10/25/2021)
10/25/2021	<u>537</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT re <u>535</u> Notice of Appeal Court Reporter Tracy Thompson, Telephone number 405–314–5431. Transcript of: Motion for Preliminary Injunction Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2021. Redacted Transcript Deadline set for 11/29/2021. Release of Transcript Restriction set for 1/24/2022. (tt, ) (Entered: 10/25/2021)
10/25/2021	<u>538</u>	Tenth Circuit USCA Case Number 21–6139 for <u>533</u> Notice of Appeal filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle, <u>535</u> Amended Notice of Appeal filed by Donald Anthony Grant, Julius D Jones, John M Grant, Wade Lay, Gilbert Ray Postelle. (knt) (Entered: 10/26/2021)
10/26/2021	<u>539</u>	ENTRY of Appearance by Susan M Otto on behalf of All Plaintiffs (Otto, Susan) (Entered: 10/26/2021)



10/26/2021	<u>540</u>		Minute Order. Proceedings held before Judge Stephen P. Friot: Motion Hearing held on 10/26/2021. Court rules on the remaining portions of <u>525</u> Plaintiffs' EMERGENCY MOTION <i>to Preserve Evidence of the Execution of John Marion Grant</i> as set out on the record. For the John Grant execution, the court DIRECTS dfts to make one seat in the inmate's allocation of seats available for a medical witness selected by plfs. Defense counsel are DIRECTED to communicate with DOC personnel regarding Ms. Otto and Ms. Wright's ability to remain on the premises at Jackie Brannon Correctional Facility. If this remains an issue, the court will hold a conference call with counsel at 3:00 pm on 10/27/2021. (Court Reporter Tracy Thompson.) (llg) (Entered: 10/26/2021)
10/27/2021	<u>541</u>		<b>ORDER</b> granting <u>525</u> EMERGENCY MOTION <i>to Preserve Evidence of the Execution of John Marion Grant</i> . Signed by Judge Stephen P. Friot on 10/27/2021. (llg) (Entered: 10/27/2021)
10/27/2021	<u>542</u>		ORDER of USCA as to <u>533</u> Notice of Appeal filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle. Order filed by Judges Tymkovich, Murphy and Moritz granting appellants' motion for stay in part. See order for details. Judge Tymkovich dissents. Served on 10/27/2021. [21-6139] (kmt) (Entered: 10/27/2021)
10/27/2021	<u>543</u>		Minute Entry for proceedings held before Judge Stephen P. Friot: Telephonic Conference held on 10/27/2021. (Court Reporter Tracy Thompson.) (llg) (Entered: 10/27/2021)
10/27/2021	<u>544</u>		<b>ENTER ORDER</b> following re <u>543</u> Telephonic Conference. Entered at the direction of Judge Stephen P. Friot on 10/27/2021. (llg) (Entered: 10/27/2021)
10/28/2021	<u>545</u>		NOTICE (other) by John M Grant re <u>542</u> USCA Order, (Attachments: # <u>1</u> Attachment Email)(Rolls, Emma) (Entered: 10/28/2021)
10/28/2021	<u>546</u>		ORDER issued by the United States Supreme Court: the application to vacate the stays of execution entered by the 10th Circuit Court of Appeals is granted.(dtb) (Entered: 10/28/2021)
10/29/2021	<u>547</u>		DESIGNATION of Record on Appeal by All Plaintiffs re <u>535</u> Notice of Appeal (Attachments: # <u>1</u> Attachment Docket Sheet)(Rolls, Emma) (Entered: 10/29/2021)
11/01/2021	<u>548</u>		LETTER – Record Sent Electronically to USCA Volume(s) 3 (dtb) (Entered: 11/01/2021)
11/01/2021			Docket Annotation:Record on Appeal Received: Record on appeal filed. No. of Volumes: 13. Volume I, Parts 7-11 – Pleadings,and Volume II – Sealed Pleadings and Volume III – Transcripts. [21-6139]and Record on appeal filed. No. of Volumes: 13. Volume I, Parts 7-11 – Pleadings, Volume II – Sealed Pleadings and Volume III – Transcripts. [21-6139] —[Edited 11/01/2021 by SLS to replace Volume II.] (dtb) (Entered: 11/01/2021)
11/01/2021	<u>549</u>		MOTION for Leave <i>to Amend Exhibit and Witness List</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 11/01/2021)

11/12/2021	<u>550</u>		ORDER AND JUDGMENT of USCA as to <u>533</u> Notice of Appeal filed by Donald Anthony Grant, Julius D Jones, John M Grant, Gilbert Ray Postelle. Affirmed; Terminated on the merits after submissions without oral hearing; Written, unsigned, unpublished. Judges Tymkovich, Murphy and Moritz. Mandate to issue. [21-6139] (kmt) (Entered: 11/15/2021)
11/18/2021	<u>551</u>		EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Plaintiff Julius Jones and other Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> by Julius D Jones. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4)(Lieberman, Michael) (Entered: 11/18/2021)
11/18/2021	<u>552</u>		<b>ORDER REFERRING MOTION:</b> <u>551</u> EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Plaintiff Julius Jones and other Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> filed by Julius D Jones. Motion referred to Chief Judge Timothy D. DeGiusti. Signed by Judge Stephen P. Friot on 11/18/2021. (llg) (Entered: 11/18/2021)
11/18/2021	<u>553</u>		<b>ORDER</b> VACATING re <u>552</u> Order of Referral. Signed by Judge Stephen P. Friot on 11/18/2021. (llg) (Entered: 11/18/2021)
11/23/2021	<u>554</u>		<b>ENTER ORDER</b> re <u>551</u> EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Plaintiff Julius Jones and other Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> . Status Conference set for 12/7/2021 02:00 PM in Courtroom 401 before Judge Stephen P. Friot. Entered at the direction of Judge Stephen P. Friot on 11/23/2021. (llg) (Main Document 554 replaced on 11/23/2021) (llg). (Entered: 11/23/2021)
11/23/2021	<u>555</u>		STIPULATION of Dismissal of <i>Plaintiff Julius Jones</i> by Julius D Jones. (Baich, Dale) (Entered: 11/23/2021)
11/23/2021	<u>556</u>		MOTION to Withdraw as Attorney by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Ferguson, Andy) (Entered: 11/23/2021)
11/24/2021	<u>557</u>		<b>ORDER</b> granting <u>556</u> Motion to Withdraw as Attorney. Attorney Randall J Yates withdrawn as counsel for dfts. Signed by Judge Stephen P. Friot on 11/24/2021. (llg) (Entered: 11/24/2021)
11/24/2021	<u>558</u>		<b>ORDER</b> granting <u>549</u> Defendants' Motion for Leave to Amend Defendants' Exhibit and Witness List. Signed by Judge Stephen P. Friot on 11/24/2021. (llg) (Entered: 11/24/2021)
12/01/2021	<u>559</u>		MOTION for Order <i>to Reopen Judgment</i> by Wade Lay. (Rolls, Emma) (Entered: 12/01/2021)
12/06/2021	<u>560</u>		USCA MANDATE Issued re <u>533</u> Notice of Appeal filed by by Donald Anthony Grant, John M Grant, Julius D Jones, Gilbert Ray Postelle. (dtb) Modified on 12/6/2021 to link to correct Notice of Appeal (llg). (Entered: 12/06/2021)
12/07/2021	<u>561</u>		Minute Entry for proceedings held before Judge Stephen P. Friot: Status Conference re <u>551</u> Emergency Motion for Preliminary Injunction on Behalf of Plaintiff Julius Jones and Other Religious Objector Plaintiffs on the

		Supplemental Record of the Execution of John Grant held on 12/7/2021 (as fully set out on the minute sheet). (Court Reporter Tracy Thompson.) (llg) (Entered: 12/07/2021)
12/08/2021	<u>562</u>	PETITION FOR WRIT OF CERTIORARI. Supreme Court Number re <u>472</u> Notice of Appeal: 21-6550. Petition for writ of certiorari filed by Wade Lay on 11/10/2021. Supreme Court Number 21-6550. [21-6101] (knt) (Entered: 12/08/2021)
12/08/2021	<u>563</u>	<b>ENTER ORDER Setting Hearing</b> on <u>551</u> EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Plaintiff Julius Jones and other Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> : Motion Hearing set for 1/10/2022 09:00 AM in Courtroom 401 before Judge Stephen P. Friot. Witnesses may, by pre-arrangement, appear by VTC (such arrangements to be made with the courtroom deputy by 1/5/2022). Counsel presenting the matter are expected to appear in person. Entered at the direction of Signed by Judge Stephen P. Friot on 12/8/2021. (llg) (Entered: 12/08/2021)
12/17/2021	<u>564</u>	MOTION for Preliminary Injunction – <i>Supplemental</i> by Donald Anthony Grant, Gilbert Ray Postelle. (Attachments: # <u>1</u> Attachment 1 – Weinberger Dec., # <u>2</u> Attachment 2. – Williams Dec.)(Rolls, Emma) (Entered: 12/17/2021)
12/21/2021	<u>565</u>	MOTION for Extension of Time to File Response/Reply as to <u>559</u> MOTION for Order <i>to Reopen Judgment</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Cleveland, Bryan) (Entered: 12/21/2021)
12/21/2021	<u>566</u>	RESPONSE to Motion re <u>565</u> MOTION for Extension of Time to File Response/Reply as to <u>559</u> MOTION for Order <i>to Reopen Judgment</i> filed by Wade Lay. (Rolls, Emma) (Entered: 12/21/2021)
12/22/2021	<u>567</u>	<b>ORDER</b> granting in part <u>565</u> Defendants' MOTION for Extension of Time to Respond to <u>559</u> Wade Lay's MOTION for <i>Relief from Judgment</i> . Response due by 1/25/2022. Signed by Judge Stephen P. Friot on 12/22/2021. (llg) (Entered: 12/22/2021)
12/23/2021	<u>568</u>	SUPPLEMENT re <u>564</u> MOTION for Preliminary Injunction – <i>Supplemental to Doc. 564-2, Declaration of J. Williams, M.D.</i> by Donald Anthony Grant, Gilbert Ray Postelle. (Attachments: # <u>1</u> Attachment Declaration of J. Williams, MD)(Rolls, Emma) (Entered: 12/23/2021)
12/23/2021	<u>569</u>	STIPULATION <i>to Order Staying Execution Date of James Coddington</i> by James A Coddington. (Rolls, Emma) (Entered: 12/23/2021)
12/23/2021	<u>570</u>	<b>ORDER STAYING EXECUTION DATE OF JAMES CODDINGTON</b> re <u>569</u> Joint Stipulation to Order Staying Execution Date of James Coddington. Signed by Judge Stephen P. Friot on 12/23/2021. (llg) (Entered: 12/23/2021)
12/23/2021	<u>571</u>	Exhibit List / Witness List by Plaintiffs Donald Anthony Grant, Wade Lay, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 12/23/2021)
12/28/2021	<u>572</u>	

		Exhibit List / Witness List <i>REDACTED</i> by Plaintiffs Donald Anthony Grant, Wade Lay, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 12/28/2021)
12/28/2021	<u>573</u>	RESPONSE in Opposition re <u>551</u> EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Plaintiff Julius Jones and other Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> , <u>564</u> MOTION for Preliminary Injunction – <i>Supplemental</i> filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Antognini Report, # <u>2</u> Exhibit 2 – Yen Report, # <u>3</u> Exhibit 3 – Dr. Yen Affidavit 11.5.21, # <u>4</u> Exhibit 4 – Dr. Yen Affidavit 12.28.21, # <u>5</u> Exhibit 5 – Justin Farris Decl, # <u>6</u> Exhibit 6 – IG Report for Grant, # <u>7</u> Exhibit 7 – Grant Logbook Excerpt)(Mansinghani, Mithun) (Entered: 12/28/2021)
12/28/2021	<u>574</u>	MOTION in Limine <i>to Exclude the Testimony of Dr. James Williams</i> by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 12/28/2021)
12/29/2021	<u>575</u>	<b>ORDER</b> re <u>574</u> MOTION in Limine <i>to Exclude the Testimony of Dr. James Williams</i> . Plaintiffs are DIRECTED to respond to defendants motion no later than 4:00 p.m. (central time) on January 5, 2022. Signed by Judge Stephen P. Friot on 12/29/21. (dtb) (Entered: 12/29/2021)
12/30/2021	<u>576</u>	Exhibit List / Witness List by Defendants Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Mansinghani, Mithun) (Entered: 12/30/2021)
01/03/2022	<u>577</u>	MOTION for Leave to Appear Pro Hac Vice <i>of Kenton Walker</i> by All Plaintiffs. (Attachments: # <u>1</u> Attachment Kenton Walker's Request for Admission Pro Hac Vice)(Rolls, Emma) (Entered: 01/03/2022)
01/03/2022	<u>578</u>	Receipt for Money Received in the amount of \$50.00, receipt number OKW500088700 regarding <u>577</u> MOTION for Leave to Appear Pro Hac Vice <i>of Kenton Walker</i> (km) (Entered: 01/03/2022)
01/03/2022	<u>579</u>	<b>ORDER</b> granting <u>577</u> Motion to Appear Pro Hac Vice (as fully set out in this order). Signed by Judge Stephen P. Friot on 1/3/2022. (llg) (Entered: 01/03/2022)
01/05/2022	<u>580</u>	ENTRY of Appearance by Kent Walker on behalf of All Plaintiffs (Walker, Kent) (Entered: 01/05/2022)
01/05/2022	<u>581</u>	RESPONSE in Opposition re <u>574</u> MOTION in Limine <i>to Exclude the Testimony of Dr. James Williams</i> filed by Donald Anthony Grant, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 01/05/2022)
01/05/2022	<u>582</u>	<b>ENTER ORDER</b> denying <u>574</u> Defendants' Motion in Limine to Exclude the Testimony of Dr. James Williams (as fully set out in this enter order). Entered at the direction of Judge Stephen P. Friot on 1/5/2022. (llg) (Entered: 01/05/2022)

		01/05/2022)
01/06/2022		Reset Hearing as to <u>551</u> EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Plaintiff Julius Jones and other Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> , <u>564</u> MOTION for Preliminary Injunction <i>Supplemental</i> . Motion Hearing RESET for 1/10/2022 08:00 AM in Courtroom 401 before Judge Stephen P. Friot. (llg) (Entered: 01/06/2022)
01/10/2022	<u>583</u>	Minute Entry for proceedings held before Judge Stephen P. Friot: Motion Hearing held on 1/10/2022 re <u>551</u> EMERGENCY MOTION for Preliminary Injunction <i>on Behalf of Religious Objector Plaintiffs on the Supplemental Record of the Execution of John Grant</i> , <u>564</u> MOTION for Preliminary Injunction – <i>Supplemental</i> filed by Donald Anthony Grant, Gilbert Ray Postelle. Court hears evidence and arguments. Court will issue a written order. (Court Reporter Tracy Thompson.) (llg) (Entered: 01/11/2022)
01/12/2022	<u>584</u>	NOTICE (other) by All Plaintiffs <i>Notice to the Court</i> (Rolls, Emma) (Entered: 01/12/2022)
01/13/2022	<u>585</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 1/10/2022 before Judge Friot. Court Reporter: Tracy Thompson, Telephone number 405–609–5505. Transcript of: Preliminary Injunction Hearing Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/3/2022. Redacted Transcript Deadline set for 2/14/2022. Release of Transcript Restriction set for 4/13/2022. (tt, ) (Entered: 01/13/2022)
01/13/2022	<u>586</u>	RESPONSE re <u>584</u> Notice (other) filed by Michael Carpenter, Randy Chandler, Scott Crow, Aboutanaa El Habti, Jim Farris, Justin Farris, Betty Gesell, Justin Giudice, Joseph Griffin, F Lynn Haueter, Kathryn A LaFortune, Stephan Moore, Calvin Prince, T Hastings Siegfried, Daryl Woodard. (Attachments: # <u>1</u> Exhibit 1 – Email Chain 1 of 2, # <u>2</u> Exhibit 2 – Email Chain 2 of 2)(Mansinghani, Mithun) (Entered: 01/13/2022)
01/14/2022	<u>587</u>	<b>ORDER</b> denying <u>551</u> Emergency Motion for Preliminary Injunction. Signed by Judge Stephen P. Friot on 1/14/2022. (llg) (Entered: 01/14/2022)
01/14/2022	<u>588</u>	NOTICE OF APPEAL as to <u>587</u> Order on Motion for Preliminary Injunction, by Donald Anthony Grant, Gilbert Ray Postelle. (Rolls, Emma) (Entered: 01/14/2022)



**IN THE UNITED STATES DISTRICT COURT FOR THE  
 WESTERN DISTRICT OF OKLAHOMA**

RICHARD GLOSSIP, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	Case No. CIV-14-0665-F
	)	
RANDY CHANDLER, et al.,	)	
	)	
Defendants.	)	

**ORDER ON THIRD MOTION FOR PRELIMINARY INJUNCTION**

**I. Introduction**

Plaintiff Donald Grant is scheduled for execution by lethal injection at the Oklahoma State Penitentiary on January 27, 2022, less than two weeks from now. Plaintiff Gilbert Postelle is scheduled for execution about three weeks after that. Based substantially on their contentions with respect to the execution of John Grant on October 28, 2021, Donald Grant and Gilbert Postelle have filed a motion for a preliminary injunction, seeking an order enjoining their executions pending the full trial on the merits. The motion has been fully briefed. *See* doc. nos. 551 (herein: Motion), 564 and 573. By agreement of counsel (doc. nos. 561 and 563) the motion was heard four days ago, on January 10, 2022. Having heard the parties' presentations in a nearly ten-hour hearing, the court now makes its ruling on that motion.

For the reasons set forth below, the motion will be denied.

**II. The Preliminary Injunction Standard**

To obtain a preliminary injunction, the movant bears the burden of establishing four factors: "(1) a likelihood of success on the merits; (2) a likelihood that the moving party will suffer irreparable harm if the injunction is not granted; (3) the balance of equities is in the moving party's favor; and (4) the preliminary injunction

is in the public interest.” Republican Party of N. M. v. King, 741 F.3d 1089, 1092 (10th Cir. 2013). Where a movant fails to establish a likelihood of success on the merits, it is unnecessary to address the remaining requirements for a preliminary injunction. Warner v. Gross, 776 F.3d 721, 736 (10th Cir. 2015).

### **III. The Substantive Standards**

Time being what it is, the court will not encumber this order with an extended treatment of the substantive standards—commonly called Glossip first prong and Glossip second prong—governing this motion. With one exception, discussed below, those matters are thoroughly covered in the court’s orders of August 11 and October 12, 2021<sup>1</sup> and in the Order and Judgment entered by the Court of Appeals on November 12, 2021,<sup>2</sup> all of which are based almost entirely on the Supreme Court’s trilogy of lethal injection cases, Baze v. Rees, 553 U.S. 35 (2008), Glossip v. Gross, 576 U.S. 863 (2015), and Bucklew v. Precythe, 139 S.Ct. 1112, 1124 (2019).

One elaboration on these decisions may be appropriate. When the Court, in Baze, discussed the concept of pain so severe that it would be cruel within the meaning of the Eighth Amendment, it noted that “[s]ome risk of pain is inherent in any method of execution.” Baze, at 47. The Court then spoke of pain so severe that it amounted to a punishment “superadded” to the sentence of death. *Id.* at 48. And in the Order and Judgment two months ago in Jones v. Crow, the Court of Appeals summarized this aspect of the Glossip test by stating that to “succeed on an Eighth Amendment claim, a prisoner must show that the state has crossed the line by cruelly superadding pain to the death sentence.” Order and Judgment, at 13 (quoting from

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<sup>1</sup> Reported at 2021 WL 3561229 and 2021 WL 4760383, respectively.

<sup>2</sup> Jones v. Crow, No. 21-6139, 2021 WL 5277462 (10th Cir. Nov. 12, 2021) (herein: Order and Judgment).

Bucklew). In Bucklew, the court illustrated its discussion of painfully cruel executions by discussing execution by hanging, which the Court, at 1125, described as a “traditionally accepted method of execution.” The court cited the fact that “[m]any and perhaps most hangings were evidently painful for the condemned person because they caused death slowly.” *Id.* at 1124.

But, oddly enough, one thing that is not quite clear from the three Supreme Court cases is whether this court’s reckoning of the degree of pain required to qualify as “cruel” within the meaning of the Eighth Amendment is to be determined *exclusively* on a comparative basis, the comparison being with the prisoner’s proposed alternative method, or whether, as a threshold matter, the pain to be inflicted under the challenged protocol must be shown to be severe on an absolute scale before the comparison is even triggered. Fifteen months ago, in a fairly pointed statement respecting the denial of certiorari in a case arising from the Ohio execution protocol litigation, Justice Sotomayor, citing Glossip and Bucklew, maintained that those cases make it “clear that the proper inquiry is comparative, not categorical.” Hennes v. DeWine, \_\_\_ U.S. \_\_\_, 141 S.Ct. 7 (Oct. 5, 2020). Justice Sotomayor’s view of the matter may be correct, because the majority in Bucklew placed considerable emphasis on the comparative aspect of the Baze-Glossip analysis. Nevertheless, the Sixth Circuit’s decision in the Ohio case may be instructive in assessing the issue of the severity of the pain to be inflicted by the State’s proposed method of execution, regardless of whether the issue is to be evaluated categorically or comparatively.

The Sixth Circuit decision with which Justice Sotomayor took issue when her colleagues denied certiorari was handed down in December of 2019, with en banc rehearing denied a few weeks after that, all of which was less than a year after the Supreme Court’s decision in Bucklew. The Sixth Circuit, with the benefit of all three of the relevant Supreme Court decisions, noted the discussion, in Bucklew, of the pain inflicted by hanging and commented that:



Despite that risk of pain, despite indeed the near certainty of that pain, hangings have been considered constitutional for as long as the United States have been united. All of this puts Henness's claims about risks of pain in context. Yes, he points to the risks of chest tightness and chest pain. But that pales in comparison to the pain associated with hanging. And yes, he points to the risks of sensations of drowning and suffocation. But that looks a lot like the risks of pain associated with hanging, and indeed may present fewer risks in the typical lethal-injection case.

In re Ohio Execution Protocol Litigation, 946 F.3d 287, 290 (6th Cir. 2019), *cert. denied sub nom. Henness v. DeWine*, 141 S. Ct. 7 (2020).

The court concluded by saying that “the fact that midazolam may not prevent an inmate from experiencing pain is irrelevant to whether the pain the inmate might experience is unconstitutional. Without evidence showing that a person deeply sedated by a 500 milligram dose of midazolam is still sure or very likely to experience an unconstitutionally high level of pain, Henness has not met his burden on this prong, and the district court clearly erred in concluding otherwise.” *Id.*

What can safely be said, because the Supreme Court has said it, is that the pain must be severe. The court concludes that even if Justice Sotomayor is correct, any determination of the permissibility of the Chart D protocol under the Eighth Amendment should be informed, in part, by the Supreme Court's repeated references to methods of execution which have historically been understood to be cruel and to those which have historically not been so understood. On the evidence before the court with respect to the present motion, there is no need to reach a conclusion as to whether the pain associated with hanging is an Eighth Amendment benchmark, but the Supreme Court's persistent references to historical methods of execution are not irrelevant. Those references are part of the context, provided by the Supreme Court, in which this court evaluates the efficacy of midazolam generally and, in particular, the implications of the events that unfolded during the execution of John Grant, all as discussed below.

Aside from the foregoing, the relevant passages from the authorities discussed in the decisions cited above will be discussed as needed.

#### **IV. Findings of Fact: Glossip First Prong**

##### **A. The John Grant execution.**

Much of the testimony at the hearing focused on the execution of John Grant on October 28 and the execution of Bigler Jobe Stouffer a few weeks later on December 9. Those executions will be discussed in detail. The main difference between the Grant execution and the Stouffer execution is that Grant consumed significant quantities of Mr. Pibb and potato chips until very shortly before the restraint team arrived to take him from his cell to the execution chamber. The result of that for Grant was that, soon after the first drug was pushed into the IV line, and as he lay unconscious, restrained in a supine position on the gurney, Grant's gastric contents flowed toward his head and out of his mouth. Combined with that was the fact that—also because he was unconscious and lying supine—Grant's airway was obstructed by his tongue, causing him to noticeably struggle to breathe while, at essentially the same time, regurgitating. The important point here is that all of this occurred while Grant was unconscious and insensate to pain as a result of the administration of a massive dose of midazolam.

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Four of the witnesses who testified at the hearing on this motion gave their eyewitness accounts of the John Grant execution. Two of those witnesses, Julie Gardner and Meghan LeFrancois, are employed by the office of the Federal Public Defender for the Western District of Oklahoma. Also testifying as an eyewitness to the Grant execution were Dr. Ervin Yen and Department of Corrections Director of Operations Justin Farris, both of whom were called by the defendants. Dr. Yen and Mr. Farris also testified, as eyewitnesses, about the execution of Bigler Stouffer on

December 9, 2021. The Grant execution was also addressed in the testimony of Dr. Joseph Cohen, a forensic pathologist, who did not witness the Grant execution but performed an autopsy on Grant.<sup>3</sup>

Grant was served a meal at 5:13 p.m. on October 27, 2021, the day before he was executed. He was executed at approximately 4:00 p.m. on the 28<sup>th</sup>. Grant was still “drinking soda” and eating at 10:15 p.m. on October 27 (Farris).<sup>4</sup> Tr. 181. At 3:15 p.m. on October 28, just before he was taken to the execution room, Mr. Grant was eating chips and drinking soda (Mr. Pibb Xtra). The Grant execution began shortly after 4:00 p.m. The curtain was raised at 4:07 p.m. At 4:10 p.m., Dr. Yen could see something other than saline solution flowing through the IV tube. Grant appeared to be unconscious 30-45 seconds after the midazolam appeared to flow (Yen). Shortly after that, Dr. Yen saw what he described as a “rocking boat” motion, indicative of an obstructed airway. In the “rocking boat” motion, the belly rises as the chest goes down. Tr. 230.<sup>5</sup> The explanation for this is that if an individual is conscious, he will breathe normally, but if he is unconscious “you can’t do anything about that obstructed airway.” Tr. 231. This was the case with Grant.

Dr. Yen did not consider these movements, or any other movements by Grant after the midazolam began to take effect, to be purposeful movement.<sup>6</sup> After the

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<sup>3</sup> Neither side challenged the qualifications, or otherwise challenged the admissibility of the proposed expert testimony, of any experts called by the opposing parties. Time being what it is, and because this is a non-jury matter, the court discouraged Daubert challenges.

<sup>4</sup> As to factual matters which are at least arguably contested, the court will indicate, for instance with (Yen) or (Gardner), the testimony credited and relied upon by the court. As to those matters, the court is unpersuaded by contrary testimony from other witnesses.

<sup>5</sup> The “Tr.” References are to the transcript of the January 10 hearing, doc. no. 585.

<sup>6</sup> Although Grant’s movements during the execution process were not movements which might commonly be encountered with an anesthetized patient in the operating room (mainly because standard clinical practice is to have the patient arrive in the OR with an empty stomach), it should

onset of the rocking boat motions, Grant coughed 10 to 20 times. His head came off the table when he coughed. He coughed for 15 to 30 seconds. After the coughing episode, a clear fluid emerged from Grant's mouth, followed by an amber fluid. This was not the violent heaving that is typical of vomiting (Yen). Instead, this was regurgitation—which Dr. Yen described as more passive than vomiting—such as might be expected when a person who has a significant amount of food and fluid in his stomach is strapped down supine on a gurney, and injected with a drug which quickly produces unconsciousness.

With respect to the observations by other witnesses that Grant appeared to be “gasping for air,” Dr. Yen explained that Grant “was not moving air in or out.” Tr. 233. Although this led to the combination, disturbing to some witnesses, of regurgitation and gasping, this was the regurgitation and gasping of an unconscious man (Yen).

At about the six minute mark after the curtain was raised, a woman came out to clean Grant's face, then, at about the seven minute mark, a man came into the execution room, turned Grant's head straight and left (Gardner). Immediately after that man left the room, an announcement was made that Grant was unconscious (Gardner). The trip into the execution room by the man who turned Grant's head straight and wiped vomit from Grant at about the seven minute mark was the same event Dr. Yen observed when he assumed that all the man at the gurney was doing was wiping vomit from Grant when, in fact, he (a doctor) also conducted a consciousness check, as credibly described by Farris. The consciousness check consisted of a sternum rub and the doctor raising Grant's eyelids (Farris). Tr. 189-90. The doctor concluded that Grant was unconscious, which he indicated (per agreed

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be noted that, under general anesthesia, it is common for the patient to move. This can consist of coughing, arms moving, head and shoulder movements, and leg movements, as well as chest and stomach movements (Yen). Tr. 220-21.

upon procedure) with a knock on the door. At that point, the second drug was started, after which there was no more movement.

At about the time the announcement of unconsciousness was made, Grant was breathing, although his “cheek fluttered,” his mouth opened and then his “chest settled” (Gardner). Tr. 19. The last round of drugs was pushed at approximately the 8 or 8 1/2 minute mark (LeFrancois). At approximately the 12 minute mark in the execution process, Grant was pronounced dead (Gardner). Grant “was probably dead well before” the 11 minute<sup>7</sup> mark (Yen).

Grant probably died of asphyxiation (Yen and Cohen). On autopsy, Dr. Cohen observed several petechial hemorrhages in the surface lining under the upper and lower eyelids. Although Dr. Cohen acknowledged that “hemorrhages in eyes are overall nonspecific findings in autopsies,” he also testified that eyelid hemorrhages are consistent with asphyxia death. Tr. 45. It is “more likely than not” that eye hemorrhages will be present in “some, not many” deaths by asphyxiation. Tr. 46. Dr. Cohen’s testimony with respect to the possibility that Grant died by asphyxiation is consistent with Dr. Yen’s testimony that Grant probably died of asphyxiation. By Dr. Yen’s account, Grant’s oxygen saturation went from 98 or 99% to 81% about one minute after the midazolam was pushed. On the question of whether the process of asphyxiation started before or after Grant lost consciousness, Dr. Yen concluded that the process of asphyxiation started after Grant lost consciousness, testifying that “if you’re conscious, you’re going to breathe.” Tr. 259. A conscious person would be “able to open up their airway.” Tr. 259-60. As explained by Dr. Yen, with the injection of an anesthetic agent, “you lose the tone in your tongue, it

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<sup>7</sup> The 11 minute mark as noted by Dr. Yen was probably the same as, or very close to, the 12 minute mark as noted by Ms. Gardner, because Dr. Yen was keeping track of time from the point at which the midazolam was pushed, whereas Ms. Gardner was keeping track of time from the point at which the curtain was raised.

drops back in the back of your throat.” Tr. 263. The tongue will then obstruct the airway, a consequence of unconsciousness which, in clinical practice, would be dealt with by any number of interventions, up to and including endotracheal intubation.

Dr. Cohen concluded that it was “more likely than not” that Grant experienced conscious pain and suffering. Tr. 63. The persuasive value of this conclusion by Dr. Cohen is questionable when viewed in the light of the fact that Dr. Cohen did not observe the Grant execution, has no experience with midazolam, and did not review the declaration of Dr. Yen. The fact that Dr. Cohen did not directly address Dr. Yen’s conclusions, and the findings and reasoning underlying those conclusions, substantially undermines the persuasive value of Dr. Cohen’s testimony on the issue of whether Grant experienced conscious pain and suffering (which, the court will carefully note, is not necessarily an *unconstitutional* level of conscious pain and suffering in an execution context). The difference between Dr. Cohen’s conclusions and Dr. Yen’s conclusions is brought into high relief by the fact that their main area of agreement is on the fact that Grant probably died of asphyxia, while their main area of disagreement is as to whether Grant experienced conscious pain and suffering before he died of asphyxia. On this issue, Dr. Yen’s well-supported conclusion, based on his decades of experience with midazolam and his personal observation of the Grant and Stouffer executions, is more persuasive.

Based on all of the eyewitnesses’ accounts of the execution of John Grant, there is little doubt that, as he lay strapped down supine on the gurney, his airway was obstructed not long after the midazolam was pushed. On that score it is noteworthy that the report of Dr. Michael Weinberger, an expert for plaintiffs, incorporates (apparently with approval) a chart describing a continuum of interventions required with respect to a patient’s airway when the patient is placed under sedation. If the patient is under minimal sedation, the airway is “unaffected.” If the patient is under moderate sedation, “no intervention [is] required.” If the patient is under deep

sedation, “intervention may be required.” If the patient is under general anesthesia, “intervention [is] often required.” Expert Opinion of Dr. Michael L. Weinberger, Plaintiffs’ Exhibit 2, at 30. This is entirely consistent with Dr. Yen’s observations (and conclusions) with respect to Grant’s breathing difficulties while he lay unconscious and insensate to pain on the gurney. If the airway is obstructed, in Dr. Weinberger’s words, “there’s going to be motion, possibly motion of the abdomen or chest without actual air movement.” Tr. 177.

If, contrary to the court’s findings (which are compelled by persuasive evidence), Grant did experience conscious pain and suffering as he was executed, the interval within which he would have experienced pain and suffering would have been very short—less (probably quite a bit less) than five minutes. To be sure, the “pain and suffering” would have been more than negligible, mainly because, being strapped down in a supine position, Grant would have had no way to stop or otherwise alleviate the combined effect of simultaneously regurgitating and struggling to breathe. But the court concludes that pain and suffering of that duration and magnitude, if it occurred at all, falls short of the severity required, for Eighth Amendment purposes, by the Supreme Court’s lethal injection trilogy.

B. The Bigler Stouffer execution.

As has been noted, Stouffer was executed at 10:00 a.m. on December 9, 2021. In the execution chamber, Stouffer was accompanied by a chaplain. The chaplain said prayers and anointed Stouffer’s head with oil.

After the curtain between the execution chamber and the viewing room was raised, Stouffer made a statement. He did not say or do anything after that (Yen). Beginning shortly after the midazolam was pushed, Stouffer gave no sign of consciousness (Yen). He did not move and his eyes were closed. When the midazolam was pushed, Stouffer was talking, but his words soon became slurred and soon “he



was asleep” (Farris). Tr. 195. Dr. Yen’s persuasively-supported conclusion is that Stouffer became unconscious quickly after the execution began.

Dr. Yen did observe the consciousness check performed on Stouffer. A person, presumably a doctor, put both hands on Stouffer’s chest and touched at least one of Stouffer’s eyeballs. As described by Farris, the consciousness check consisted of calling Stouffer’s name, a sternum rub, shaking Stouffer and possibly a check of Stouffer’s pupils. Tr. 195. Within thirty to sixty seconds after Stouffer was declared unconscious, Dr. Yen “could see that his belly stopped moving.” Tr. 248. Stouffer was declared dead at 10:16 a.m.

Dr. Yen concluded, on the basis of his observation of Stouffer and his extensive professional experience with midazolam, that Stouffer was unconscious 30-45 seconds after the midazolam was administered. The Stouffer execution was uneventful; it went in all respects as planned. The Stouffer execution entailed no physical pain other than the minor and unavoidable pain incident to the insertion of the IV catheters.

C. The efficacy of midazolam when used per Chart D.

The lethal injection protocol at issue is the procedure prescribed in the document entitled *Execution of Inmates Sentenced to Death*, OP-040301, adopted by the Oklahoma Department of Corrections with an effective date of February 20, 2020. Doc. no. 388-1. The lethal injection drug combination at issue is the combination specified in Chart D of the protocol, which calls for the intravenous injection of a total of 500 milligrams of midazolam, followed by 100 milligrams of vecuronium bromide and 240 milligrams of potassium chloride. In Baze, it was uncontested that administration of pancuronium bromide (a drug with effects similar to the vecuronium bromide specified in Chart D) and potassium chloride to a sensate prisoner would pose a “substantial, constitutionally unacceptable risk of suffocation” from

the pancuronium bromide and “pain from the injection of potassium chloride.” Baze, 553 U.S. at 53.

In the case at bar, plaintiffs’ central contention is that the use of midazolam as the first drug in the three-drug sequence exposes the prisoner to that constitutionally unacceptable risk. The specific risk cited in the Third Amended Complaint is the risk that the prisoner will be sensate when the vecuronium bromide is pushed. Doc. no. 325, at 22, ¶ 62-63 (“the prisoner will experience conscious asphyxiation from the” vecuronium bromide). The present motion amounts to a *de facto* amendment of the Third Amended Complaint to add a contention, based on the Grant execution, that Grant’s vomiting and difficulty breathing, even before the vecuronium bromide was pushed, provide an additional basis for a conclusion that the use of midazolam presents a constitutionally unacceptable risk of severe pain. Motion, at 4-5, 10.

i. The possible limitations of midazolam.

Movants’ central contentions as to the unreliability of midazolam when used, per Chart D, to render the prisoner insensate to pain, are (i) that midazolam has a “ceiling effect” which may keep even a massive dose from having the intended effect, and (ii) that the effects of midazolam are, in any event, so variable that it cannot be counted on to render the prisoner insensate. Plaintiffs’ witness on these issues was Dr. Michael Weinberger.

Dr. Weinberger is affiliated with Columbia University and is Medical Director of the Pain Center at New York Presbyterian Hospital. He is board-certified in internal medicine, anesthesiology, pain medicine and palliative care. Dr. Weinberger is not (and has not been, for some time) in active practice as an anesthesiologist. He has not placed a patient under general anesthesia since approximately 1998. Dr. Weinberger has used midazolam in his practice as an anesthesiologist, the most re-

cent such instance also being in approximately 1998. Dr. Weinberger has used midazolam in palliative medicine (most recently about ten years ago). His present familiarity with the use of midazolam is derived from consulting situations.

Most of Dr. Weinberger's work in this case has consisted of his review of literature he considered to be relevant, together with his preparation of a report based on that review. The major difference between Dr. Weinberger and Dr. Yen, in terms of the impact of their testimony in this case, is that very little of Dr. Weinberger's testimony about the effects of midazolam was based on his personal clinical experience, and even less on any recent clinical experience. And none of Dr. Weinberger's testimony was based on first-hand observation of the effects of midazolam when used for execution by lethal injection as specified in Chart D.

#### Variability

Referring to the FDA-approved label for midazolam, Dr. Weinberger pointed out that individual response to midazolam is variable. This observation is consistent with the testimony of defendants' experts, Dr. Yen and Dr. Joseph Antognini.

When used as per the FDA-approved label, a clinical dose of midazolam for use with a 200-pound man would be 30-60 mg for the induction of anesthesia.

As for variability, all witnesses who addressed the issue of variability agreed with the unexceptional proposition that the effect of any given drug can and will vary from one individual to the next. The question in the case at bar is whether the variability of the effect of midazolam, when used as specified in Chart D, exposes the prisoner to a "substantial risk" that "is sure or very likely to cause serious illness and needless suffering."

In support of his testimony on the subject of variability, Dr. Weinberger cited an article from the *British Journal of Anesthesiology*. The title of the article is "Effect of Different Kinds of Premedication on the Induction Properties of Midazolam." Plaintiffs' Exhibit 54. That article does indeed address variability in the effect of

midazolam. It is noteworthy, however, that the authors of the article also stated that they “agree with Dundee and Gamble (1981): at least 0.30 mg kg<sup>-1</sup> i.v. should be administered to induce clinically acceptable anesthesia.” This is in the context of using midazolam as a surgical anesthetic. Plaintiffs’ Exhibit 54, at p. 510.

This is consistent with an observation in another scholarly article among plaintiffs’ exhibits: “Adequate doses of midazolam can reliably produce loss of consciousness.” Plaintiffs’ Exhibit 51, “Comparative Evaluation of Intravenous Agents for Rapid Sequence Induction—Thiopental, Ketamine, and Midazolam,” at 279. Finally, on the subject of variability, there is little question, even on the basis of the testimony of Dr. Weinberger (and the sources relied upon by him) that the potential for variability in the effect of midazolam decreases with higher doses. *See, e.g.*, Plaintiffs’ Exhibit 57, an article entitled “Midazolam: Pharmacology and Uses.” That article tells us that:

Midazolam may be used intravenously for the induction of anesthesia (table 2). Induction is accomplished when there is unresponsiveness to command and loss of the eyelash reflex. As an induction drug, midazolam produces sleep and amnesia but it does not have a great analgesic effect. Midazolam is not as rapid acting as thiopental; at approximately equipotent (loss of unconsciousness) doses, thiopental abolishes the eyelash reflex 50-100% faster than midazolam. Also, in comparison to thiopental, the response to a given dose of midazolam is more variable. *However, at higher doses of each drug, this variability greatly is reduced.*

Plaintiffs’ Exhibit 57, at p. 317 (emphasis added).

Dr. Antognini concurs with this assessment, testifying that, with anesthetic agents, the variability occurs in the lower dosage range. Tr. 273.

According to one article (published in 2002) relied upon by Dr. Weinberger, variability in the response to midazolam “may be attributed to genetically determined variations in the GABA-receptors making some individuals relatively less

sensitive.” Plaintiffs’ Exhibit 71, p. 259. This, again, is an unexceptional proposition. The very same article tells us, on the first page, that: “where the goal is deep sedation, midazolam by continuous subcutaneous infusion is often the drug of choice.” *Id.* p. 256.

Taking the information to be gleaned from Dr. Weinberger’s search of the literature at face value, there is substantial evidence that midazolam can have varying effects on different individuals. As relevant to this case, the most that can be said about the possibility of variability in the effect of midazolam (although this is important) is that the consciousness check is an important step in the Chart D execution process. There is, quite understandably, no evidence as to the degree of variability to which midazolam may be subject when a massive dose of 500 milligrams of it is injected into a patient (or prisoner).

#### Ceiling effect

The “ceiling effect” is the tendency of the incremental effect of a drug to decrease with increasing dosage.

As for any ceiling effect which may occur with high dosage use of midazolam, the evidence before the court is inconclusive. On one hand, there is no question about the fact that certain drugs are subject to a ceiling effect. On the other hand, the massive dose of midazolam called for by Chart D of the Oklahoma protocol is several times higher than any dosage which might be used in clinical practice. There is no evidence before the court as to the dosage level at which a ceiling effect might set in with midazolam, and, more to the point here, there is no evidence before the court suggesting that a ceiling effect with midazolam could set in at a level lower than the dosage required to render the prisoner insensate to pain. A good example of this is Plaintiffs’ Exhibit 67, which discusses the ceiling effect, but does not say at what dosage the ceiling effect occurs. Likewise, Plaintiffs’ Exhibit 48 does address the ceiling effect, but presents no data showing that midazolam itself has a

ceiling effect or at what dosage a ceiling effect might occur. The reason that the possible ceiling effect accompanying administration of a massive dose of midazolam has not been studied is that there has been no clinical or ethical reason to give a massive dose of midazolam to a patient (Antognini). The testimony from the experts, pro and con, with respect to the possibility of a ceiling effect with respect to a massive dose of midazolam is, thus, unavoidably speculative, although, in describing the effects of benzodiazepines on GABA-receptors, Dr. Antognini acknowledged that a ceiling effect is theoretically possible. But the court is well-satisfied that midazolam will reliably render a prisoner insensate to pain at a dosage well below a dosage at which a ceiling effect would be anything other than a theoretical possibility.

ii. The performance of midazolam as used per Chart D.

As the Supreme Court observed *in this case* more than six years ago, “numerous courts have concluded that the use of midazolam as the first drug in a three-drug protocol is likely to render an inmate insensate to pain that might result from administration of the paralytic agent and potassium chloride.” Glossip, at 881.

Midazolam is an FDA-approved anesthetic induction agent. The FDA-approved label for midazolam tells us that “[w]hen midazolam is given intravenous[ly] as an anesthetic induction agent, induction of anesthesia occurs in approximately 1.5 minutes when narcotic premedication has been administered and in 2 to 2.5 minutes without narcotic premedication or other sedative premedication.” Plaintiffs’ Exhibit 47, at Bates 3666.<sup>8</sup> The label informs practitioners about dosage as follows:

*Unpremedicated Patients:* In the absence of premedication, an average adult under the age of 55 years will usually require an initial dose of 0.3 to 0.35 mg/kg for induction, administered over 20 to 30 seconds

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<sup>8</sup> Dr. Yen’s testimony was consistent with this timing. Tr. 219. And he would expect a 500 milligram dose to take effect “[t]remendously faster.” *Id.*

and allowing 2 minutes for effect. *If needed to complete induction, increments of approximately 25% of the patient's initial dose may be used*; induction may instead be completed with inhalational anesthetics. In resistant cases, up to 0.6 mg/kg total dose may be used for induction, but such larger doses may prolong recovery.

Unpremedicated patients over the age of 55 years usually require less midazolam for induction; an initial dose of 0.3 mg/kg is recommended. Unpremedicated patients with severe systemic disease or other debilitation usually require less midazolam for induction. An initial dose of 0.2 to 0.25 mg/kg will usually suffice; in some cases, as little as 0.15 mg/kg may suffice.

Plaintiffs' Exhibit 47, Bates 3676 (internal emphasis added). These dosages are, of course, far below the "dosage" specified in Chart D.

A scholarly source relied upon by Dr. Weinberger, Plaintiffs' Exhibit 72, tells us flatly that "midazolam is the benzodiazepine of choice for induction of anesthesia." Plaintiffs' Exhibit 72, at p. 842. In fairness, it should be noted that the testimony before the court establishes with reasonable clarity that midazolam is no longer the anesthetic induction agent of choice where deep anesthesia is desired. That is not because midazolam is incapable of producing deep anesthesia; the reason is that if a dose of midazolam sufficient to induce deep anesthesia is used, the patient's recovery time will be considerably longer than the recovery time typically experienced with other anesthesia induction agents. In a clinical practice in which it is desirable (or perhaps required) to get the patient out of the hospital or surgery center within a few hours, the fact that high doses of midazolam take a considerable amount of time to wear off would, alone, be sufficient to make other anesthetic induction agents preferable (Yen, Antognini).

Midazolam can be used to decrease anxiety, to induce amnesia, and to induce general anesthesia (Yen, Antognini). In Dr. Yen's practice, the use of midazolam to induce general anesthesia is rare, and he has not recently used midazolam for that



purpose. The reason for that is that the amount of midazolam he would need to administer to induce general anesthesia “would keep the patient very very sleepy afterwards.” Tr. 215. Or, as Dr. Antognini put it, a dose of midazolam high enough to induce general anesthesia “would last too long.” Tr. 275.

Midazolam is a reliable drug for use as intended in Chart D. It may be relied upon to render the prisoner insensate quickly, to the end that, shortly after the midazolam is pushed, the prisoner will not sense intentional or unintentional stimuli. The evidence falls far short of establishing that the use of midazolam and the other two Chart D drugs in the executions of Donald Grant and Gilbert Postelle will be “*sure or very likely* to cause serious illness and needless suffering.” Glossip, 877 (quoting from Baze, emphasis in original).

These movants have failed to demonstrate a likelihood of success on the merits with respect to Glossip’s first prong. It is, consequently, unnecessary for the court to consider the other three prerequisites to preliminary injunctive relief. Warner v. Gross, 776 F.3d at 736.

### **V. Glossip Second Prong**

Two credible experts disagreed as to whether execution by firing squad would be less painful than execution as provided in the Chart D protocol. Dr. James Williams, called by plaintiffs, opined that execution by firing squad would be less painful. Dr. Yen disagreed. It is not necessary for the court to resolve that disagreement between these two experts. That is because the comparison of a “known and available alternative,” Bucklew, 1125 (quoting from Glossip at 878) to execution per Chart D is a live issue only if the prisoner has carried his burden of proof on Glossip’s first prong. These movants have failed to do so. And antecedent to that inquiry is the fact that Donald Grant and Gilbert Postelle, having previously refused to designate an alternative method for their execution, are foreclosed from satisfying Glossip’s second prong. *See, Glossip v. Chandler*, 2021 WL 4760383, at \*6-8 (W.D.

Okla. Oct. 12, 2021) (denying Rule 59 motion); and Jones v. Crow, No. 21-6139, 2021 WL 5277462, at \*6, n. 11 (10th Cir. Nov. 12, 2021) (separate view of Tymkovich, C.J.). Their change of position as to an alternative method of execution came too late.


## **VI. Conclusions of Law**

The court's understanding of the substantive standards governing this motion is stated at length in its August and October orders, as set forth in Part II, above. It is sufficient to say here that a prisoner who challenges the state's method of execution must show that the state's method presents "a substantial risk of severe pain." Bucklew, at 1125. A method of execution that presents a "substantial risk" is one that "is *sure or very likely* to cause serious illness and needless suffering." Glossip, 877 (quoting from Baze, emphasis in original). Messrs. Grant and Postelle have not made that showing. They have not shown that, in the words of the Supreme Court, it is "sure or very likely" that their executions will entail physical pain more severe than that attendant to the insertion of the IV catheters.

## **VII. Conclusion**

For the foregoing reasons, the Emergency Motion for Preliminary Injunction, doc. no. 551, is **DENIED**.

IT IS SO ORDERED this 14<sup>th</sup> day of January, 2022.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

RICHARD GLOSSIP, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. CIV-14-665-F
	)	
RANDY CHANDLER, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs, Donald Grant and Gilbert Postelle in the above-named case, hereby appeal to the United States Court of Appeals for the Tenth Circuit from Judge Friot’s Order on Third Motion for Preliminary Injunction (Doc. No. 587) entered in this action on the 14th day of January, 2022, denying Plaintiffs Emergency Motion for Preliminary Injunction (Doc. No. 551) and Plaintiffs Supplemental Motion for Preliminary Injunction on behalf of Plaintiffs Donald Grant and Gilbert Postelle (Doc. 564).

Respectfully submitted this 14th day of January, 2022.

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COUNSEL FOR DONALD GRANT AND  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of January, 2022, I electronically transmitted that attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to all counsel of record who are registered participants of the Electronic Case Filing System.

s/ Emma V. Rolls  
Emma V. Rolls  
Assistant Federal Public Defender

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**RE: 22-6012, Grant, et al v. Crow, et al**  
Dist/Ag docket: 5:14-CV-00665-F

Dear Counsel:

The court has received and docketed your appeal. Please note your case number above. Copies of the Tenth Circuit Rules, effective January 1, 2022, and the Federal Rules of Appellate Procedure, effective December 1, 2021, may be obtained by contacting this office or by visiting our website at <http://www.ca10.uscourts.gov>. In addition, please note all counsel are required to file pleadings via the court's Electronic Case Filing (ECF) system. *See* 10th Cir. R. 25.3. You will find information regarding registering for and using ECF on the court's website. We invite you to contact us with any questions you may have about our operating procedures. Please note that all court forms are now available on the court's web site.

Attorneys must complete and file an entry of appearance form within 14 days of the date of this letter. *See* 10th Cir. R. 46.1(A). An attorney who fails to enter an appearance within that time frame will be removed from the service list for this case, and there may be other ramifications under the rules. If an appellee does not wish to participate in the appeal, a notice of non-participation should be filed via ECF as soon as possible. The notice should also indicate whether counsel wishes to continue receiving notice or service of orders issued in the case.

Although attorneys who file a notice of appeal have technically entered an appearance, and may not withdraw without the court's permission, counsel must still file a separate entry of appearance form. For criminal appeals, please note the court will require trial counsel to continue the representation whether retained or appointed, until an order issues allowing withdrawal. This is the case even if you did not sign the notice of appeal. *See* 10th Cir. R. 46.3(A). This initial continuity of counsel ensures that any criminal defendant who wishes to appeal has that appeal perfected.

Generally, the court will not allow counsel to withdraw until an entry of appearance form and the docketing statement are filed. *See* 10th Cir. R. 46.3(A). If there is an issue regarding the defendant's eligibility for the appointment of counsel, an appropriate motion must be filed in the district court. Where this is the case, it may be appropriate to file a motion seeking to extend the time for filing the motion to appoint or withdraw under the court's Criminal Justice Act plan.

You are required to file a docketing statement within 14 days of filing the notice of appeal. If you have not yet filed that pleading, you should do so within 14 days of the date of this letter. Please note that under 10th Cir. R. 3.4(B), the appellant is not limited to the issues identified in his docketing statement and may raise other appropriate issues in the opening brief. The court's docketing statement form was updated on January 1, 2019; please make sure you use the current form. It may be found at <http://www.ca10.uscourts.gov/clerk/forms>.

In addition to the docketing statement, all transcripts must be ordered within 14 days of the date of this letter. If no transcript is necessary, you must file a statement to that effect.

As appointed counsel, you are required to file a designation of record with the district court. You must also file a copy with this court. Under 10th Cir. R. 10.3(A)(1), that

designation must be filed within 14 days of filing the notice of appeal. If you have not done so already, you should file the designation immediately.

In addition, and also within 14 days of filing the notice of appeal, all appointed counsel must file *either* a motion to continue the CJA appointment or a motion to withdraw. *See* 10th Cir. R. 46.3(B). Any motion to withdraw must comply with 10th Cir. R. 46.4(A).

Under 10th Cir. R. 10.3(A)(2), the government may file an additional designation within 14 days after service of appellant's designation. Once that time passes, the district court will complete assembly of the record. The district court clerk will transmit the record to this court and will notify the parties. *See* Fed. R. App. P. 11(b)(2); 10th Cir. R. 11.2(A).

The opening brief is due forty days after the appellate record is filed. *See* Fed. R. App. P. 31(a)(1); *see also* 10th Cir. R. 31.1(A).

Briefs must satisfy all requirements of the Federal Rules of Appellate Procedure and Tenth Circuit Rules with respect to form and content. *See* specifically Fed. R. App. P. 28 and 32 and 10th Cir. R. 28.1, 28.2 and 32, as well as 31.3 when applicable. As applicable, we encourage all counsel to be familiar with 10th Cir. R. 46.4(B). Seven hard copies of briefs must be provided to the court within five business days of the court issuing notice that the electronic brief has been accepted for filing. *See* 10th Cir. R. 31.5 and the court's [CM/ECF User's Manual](#). Counsel are encouraged to utilize the court's [Briefing & Appendix checklist](#) when compiling their briefs.

Motions for extension of time to file briefs must comply with 10th Cir. R. 27.1 and 27.6. These motions are not favored.

Thank you very much for your service to the court in your role as appointed counsel. If you are unfamiliar with the court's procedures or have questions, please call this office. In addition, you might also call the Appellate Division, created by the court to handle appeals circuit-wide, of the Office of the Federal Public Defender in Denver. That number is 303-294-7002. One of the appellate assistants will be happy to help you.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Wolpert', with a long horizontal flourish extending to the right.

Christopher M. Wolpert  
Clerk of Court

cc: David B. Autry  
Bryan Cleveland



Jennifer L. Crabb  
Charles Andrew Dickson III  
Andy N. Ferguson  
Mithun Mansinghani  
Zachary Paul West  
Randall John Yates

CMW/sls